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Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 990—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

ORDER REGULATING HANDLING OF MILK

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AUTHORITY: §§ 990.0 to 990.85 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 990.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial

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dial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment, as a pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe as follows: (i) by each pool handler with respect to (a) receipts of producer milk, including such handler's own production, (b) receipts of exempt milk, and (c) receipts of other source milk classified as Class I; (ii) by each buyer-handler with respect to receipts of other source milk classified as Class I, and (iii) by each nonpool handler, except a buyer-handler, with respect to other source milk disposed of as Class I milk in the marketing area on routes.

In lieu of the payments prescribed above, in the case of such other source receipts from a plant regulated under another Federal order, the rate of payment shall be an amount by which the rate of assessment under this order exceeds the rate of assessment applicable on such milk under other Federal orders.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order partially effective not later than November 16, 1958, and fully effective not later than January 1, 1959.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued August 15, 1958, and the decision of the Acting Secretary containing all the provisions of this order was issued October 21, 1958. This order will constitute the original imposition of a regulatory program in this market and it is necessary that the provisions other than those relating to prices and payments to producers be placed in effect prior to the effective date of such pricing and payment provisions so that handlers may have opportunity to make necessary adjustments in their operational and accounting procedures to conform to all provisions of the order. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective November 16, 1958, and fully effective January 1, 1959, and that it would be contrary to the public interest to delay the effective date of this order for 30

days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 990.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Southeastern New England marketing area", hereinafter referred to as the "marketing area" means all of the territory included within the boundary lines of the State of Rhode Island (excluding Block Island) and the Massachusetts counties of Bristol, Plymouth (excluding the towns of Hingham and Hull) and Barnstable, together with all piers, docks and wharves connected therewith and craft moored thereat and including all territory within such boundaries which is occupied by Government (municipal, State or Federal) installations, institutions, or other establishments.

(c) "Route" means any disposition to retail or wholesale outlets (including any delivery by a vendor or from a plant store) of fluid milk products classified as Class I milk pursuant to § 990.21 (a) other than in bulk to a plant.

§ 990.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any person described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate a pool plant during the month and which milk is moved to another handler's pool plant directly from the dairy farmer's farm;

(2) Any dairy farmer with respect to milk which is purchased from him by a dealer who during the month operated both pool and nonpool plant(s) and which milk is moved to a pool plant, if such dealer caused milk from the same farm to be moved as nonpool milk to a nonpool plant(s) during the same month;

(3) Any dairy farmer whose milk is received by a handler at a pool plant during the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November; *Provided*, That the term shall not include any person who was a producer-handler during any of the preceding months of July through November or any dairy farmer from whom the handler received milk during such months of July through November only at a plant which was a pool plant under another order but which met all of the applicable requirements for pool plant status under this part during such months;

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of and persons who control or are controlled by, the handler or dealer.

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a producer-handler or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is delivered from his farm to a pool plant or is diverted in accordance with subparagraphs (1) to (4) of this paragraph if the handler, in filing his monthly report pursuant to § 990.30 reports the milk as receipts from a producer at such pool plant:

(1) To the pool plant of another handler or to the plant of a buyer-handler;

(2) To a nonpool plant (except the plant of a buyer-handler) during any month from July through September on not more than 8 days (four days in the case of every-other-day delivery) during such month;

(3) To a nonpool plant (except the plant of a buyer-handler) during any month from October through March on not more than 12 days (six days in the case of every-other-day delivery) during such month; or

(4) To a nonpool plant during the months of April through June.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who during the month operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler in his capacity as the operator of a pool plant.

(i) "Producer-handler" means any person who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk on routes in the marketing area and (1) whose own farm production does not exceed 1,075 pounds on a daily average during the month and whose only source of supply for fluid milk products, is milk of his own farm production and packaged fluid milk products from pool plants, or (2) whose sole source of supply for fluid milk products is milk of his own farm production: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which at least 10 percent of his total receipts of fluid milk products is disposed of by him as Class I milk on routes in the marketing area during the month and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

§ 990.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(c) "Pool plant": Subject to the conditions of subparagraphs (1), (2) and (3) of this paragraph "pool plant" means (i) any receiving plant from which at least 10 percent of its total receipts of milk directly from dairy farmers is disposed of in the marketing area on routes during the month as Class I milk and not less than 50 percent of such receipts are disposed of during the month as Class I milk either inside or outside the marketing area; (ii) any receiving plant other than a plant specified in (i) of this paragraph, from which not less than 30 percent of its receipts of milk from dairy farmers is shipped during the month as bulk milk to a plant from which at least 10 percent of its total receipts of fluid milk products, other than exempt milk, is disposed of in the marketing area as Class I milk on routes and not less than

50 percent of such receipts is disposed of as Class I milk either inside or outside the marketing area; or (iii) any plant located in the marketing area and operated by an association of producers.

(1) A plant shall not qualify as a pool plant if it is operated as the plant of a producer-handler or as a pool plant pursuant to the provisions of another Federal marketing agreement or order.

(2) Any plant which qualified as a pool plant pursuant to (ii) of this paragraph during each of the preceding months of July through November shall be a pool plant during the entire period of December through June unless the handler's written request for nonpool status for such seven-month period is received by the market administrator prior to the first day of December: *Provided*, That if the reporting provisions of the order are made effective prior to December 1, 1958, any plant qualified as a pool plant pursuant to (ii) of this paragraph during the period from the effective date of such reporting provisions through November 30, 1958 shall be qualified as a pool plant during the months of December 1958 through June 1959: *And provided further*, That if such reporting provisions are not made effective prior to December 1, 1958 the first month or portion thereof in which such provisions are effective shall constitute the qualifying period for pooling for the subsequent months through June 1959 and in lieu of the 30 percent shipping requirement specified in (ii) of this paragraph a 25 percent shipment shall constitute qualification and any request for nonpool status during the period through June 1959 must be made of the market administrator on or before the last day of the first month or portion thereof in which such reporting provisions are effective.

(3) Any plant which was a nonpool plant during any of the months of July through November shall not be a pool plant in any of the following months of December through June in which it was operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler unless its operation during the July-November period was in the handler's capacity as a producer-handler: *Provided*, That this subparagraph shall not apply to any plant which met all of the applicable requirements for pool plant status under this order during each of such months of July through November, but had nonpool status because it was a pool plant under another Federal order: *And provided further*, That the application of this subdivision for the period through June 1959, shall be based on a plant's nonpool status during the period set forth in the two provisos of subparagraph (2) of this paragraph.

§ 990.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight of "half and half".

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Concentrated milk" means the concentrated, unsterilized milk product resembling plain condensed milk which is disposed of in fluid form for human consumption.

(e) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk in fluid form or any mixture in fluid form of milk, skim milk and cream containing less than 10 percent of butterfat (except egg nog, yogurt, ice cream mix, evaporated or condensed milk and sterilized products in hermetically sealed containers).

(f) "Producer milk" means only that skim milk and butterfat contained in milk (1) received at a pool plant directly from producers, or (2) diverted from a pool plant in accordance with the conditions set forth in § 990.2 (e).

(g) "Exempt milk" means all skim milk and butterfat: (1) Received at a pool plant as milk, in bulk, from a nonpool plant to be processed and packaged and for which an equivalent quantity of skim milk and butterfat in the form of packaged fluid milk products is returned to the operator of the nonpool plant during the same month, if such receipt and return occurs during an interval in which the facilities of the nonpool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or (2) received at a pool plant in the form of packaged fluid milk products from a nonpool plant in return for which an equivalent quantity of skim milk and butterfat in the form of bulk milk is moved from a pool plant for processing and packaging during the same month.

(h) "Other source milk" means all skim milk and butterfat contained in or represented by (1) receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted or combined into another product during the month, and (2) receipts (other than exempt milk) in the form of fluid milk products from any source other than producers or a pool plant(s).

MARKET ADMINISTRATOR

§ 990.10 *Designation of market administrator.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and

shall be subject to removal at the discretion of the Secretary.

§ 990.11 Powers of market administrator. The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To make rules and regulations to effectuate its terms and provisions;
- (c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 990.12 Duties of market administrator. The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

- (a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;
- (c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;
- (d) Pay, out of the funds provided by § 990.70: (1) The cost of his bond and the bonds of his employees, (2) his own compensation and (3) all other expenses, except those incurred under § 990.69, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions provided for in this part and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;
- (f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any pool handler who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 990.30 and 990.31 (b) (3), or payments pursuant to § 990.60 to 990.70;
- (g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;
- (h) Verify all reports and payments of each handler, by audit, if necessary, of handlers' records and if made available to the market administrator of the records of any person upon whose utilization the classification of skim milk and butterfat for such handler depends;
- (i) Prepare and disseminate for the benefit of producers, consumers, and handlers, such general statistics and information as reflects the operation of this order and which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

- (1) The 26th day of each month, the Class I price computed pursuant to § 990.40 (a) for the following month;
- (2) The 5th day of each month the Class II price computed pursuant to § 990.40 (b) and the butterfat differential computed pursuant to § 990.61 both for the preceding month;
- (3) The 12th day of each month, the basic blended price computed pursuant to § 990.51 and the zone blended prices resulting from the adjustment of the basic blended price by the zone price differentials pursuant to § 990.42, both for the preceding month.
- (k) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 990.20 Skim milk and butterfat to be classified. All skim milk and butterfat which is required to be reported pursuant to § 990.30 shall be classified by the market administrator pursuant to the provisions of §§ 990.21 to 990.24.

§ 990.21 Classes of utilization. Subject to the conditions set forth in §§ 990.22, 990.23, and 990.24 the classes of utilization shall be as follows:

(a) **Class I milk.** Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat: (1) Sold, distributed or disposed of in the form of fluid milk products (except as provided in paragraph (b) of this section) and (2) not accounted for as Class II milk.

(b) **Class II milk.** Class II milk shall be all skim milk and butterfat (1) used to produce any product except a fluid milk product; (2) disposed of for livestock feed or to bakeries, soup factories and similar establishments; (3) contained in skim milk dumped if the conditions of § 990.31 (e) are met by the handler; (4) contained in inventory of fluid milk products on hand at the end of the month; and (5) in plant shrinkage not in excess of two percent of receipts of skim milk and butterfat, respectively.

§ 990.22 Transfers of fluid milk products. Skim milk and butterfat disposed of in the form of any fluid milk product from a pool plant to another plant shall be classified:

(a) In the class in which assigned at the transferee-plant pursuant to § 990.24 if moved to another pool plant.

(b) As Class I milk if moved to the plant of a producer-handler.

(c) In the class in which assigned under the other order if moved to a fully regulated plant under another Federal order.

(d) As Class I milk if moved to a non-pool plant, except the plant of a producer-handler or a fully regulated plant under another Federal order, unless

Class II utilization is established: *Provided*, That (1) the amount of such skim milk and butterfat assigned to Class I shall not be less than the Class I disposition from the transferee-plant of skim milk and butterfat, respectively, in the form of fluid milk products on routes in the marketing area, and (2) the amount of such skim milk and butterfat assigned to Class II shall in no event be greater than that volume of skim milk and butterfat, respectively, received in the form of fluid milk products from fully regulated plants under any Federal order, which is in excess of the Class I utilization at such transferee-plant.

(e) By applying the provisions of paragraphs (a) to (d) of this section, whichever is applicable if moved to a nonpool plant, except the plant of a producer-handler or a fully regulated plant under another Federal order, and thence to another plant: *Provided*, That if the other plant to which such movement is made is located outside the New England States and New York State, classification shall be as Class I milk.

§ 990.23 Responsibility of handlers and reclassification of milk. (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk and butterfat should be classified as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

§ 990.24 Allocation of skim milk and butterfat classified. (a) For each month the market administrator shall correct for mathematical and for other obvious errors the reports submitted by each handler pursuant to § 990.30 and shall compute the total pounds of skim milk and butterfat in producer milk in each class for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

(b) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, received during the month in a form other than fluid milk products;

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk received during the month in other source milk in the form of fluid milk products from plants other than fully regulated plants under the provisions of another Federal order;

(3) (i) During the months of July through September, subtract from the pounds of skim milk in Class II milk an amount equal to the remaining volume of skim milk in Class II milk or the prod-

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uct obtained by multiplying by 0.15 the pounds of skim milk in receipts of milk from producers, whichever is less;

(ii) During the months of October through June, subtract from the pounds of skim milk in Class II milk an amount equal to the remaining volume of skim milk in Class II milk or the product obtained by multiplying by 0.05 the pounds of skim milk in receipts of milk from producers, whichever is less;

(4) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk the pounds of skim milk in bulk receipts of fluid milk products from fully regulated plants under the provisions of another Federal order;

(5) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk received during the month as exempt milk;

(6) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from fully regulated plants under the provisions of another Federal order;

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph; and

(8) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceeds the remaining pounds of skim milk in Class II the balance shall be subtracted from the pounds of skim milk in Class I milk; then

(9) Assign to the remaining pounds of skim milk in each class in sequence beginning with Class I milk, the pounds of skim milk in: (i) receipt of fluid milk products from the pool plants of other handlers not subject to a zone price differential, (ii) receipts of producer milk at the handler's pool plant(s) not subject to a zone price differential, (iii) receipts of producer milk at the handler's pool plant(s) to which a zone price differential is applicable, equal to the volume of skim milk in fluid milk products disposed of directly from such plant(s) as Class I milk outside the marketing area, (iv) receipts of fluid milk products from the pool plants of other handlers not previously assigned pursuant to subdivision (i) of this subparagraph, in the order of the nearness of the plants to Providence according to their zone locations, and (v) receipts of producer milk at the handler's pool plants not previously assigned pursuant to subdivisions (ii) and (iii) of this subparagraph in the order of the nearness of the plant(s) to Providence according to their zone locations.

(10) Any remaining pounds of skim milk in each class not assigned shall be called "overage".

(c) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (b) of this section; and

(d) Add the pounds of skim milk and butterfat allocated to producer milk in each class, pursuant to paragraphs (b) and (c) of this section.

REPORTS, RECORDS AND FACILITIES

§ 990.30 *Reports of receipts and utilization.* Each pool handler and each nonpool handler, other than a producer-handler who operates a nonpool plant from which fluid milk products are disposed of in the marketing area on routes shall report to the market administrator in the manner set forth in paragraphs (a) and (b) of this section: *Provided*, That during the first six months of operation under this order the handler, if he so elects may report the volumes of milk and milk products received and disposed of in the respective classes in lieu of reporting separately the skim milk and butterfat components of such milk and milk products.

(a) On or before the 8th day after the end of each month each pool handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) The receipts of producer milk (including such handler's own farm production);

(ii) The receipts of fluid milk products from other pool plants;

(iii) The receipts of exempt milk;

(iv) The receipts of other source milk;

(v) Inventories of fluid milk products on hand at the beginning and end of the month; and

(vi) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph.

(b) On or before the 8th day after the end of each month, each handler, other than a producer-handler, who operates a nonpool plant from which fluid milk products are disposed of in the marketing area on routes shall report to the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) The receipts of fluid milk products from pool plants;

(ii) The receipts of other source milk;

(iii) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph; and

(iv) The fluid milk products disposed of within the marketing area on routes.

§ 990.31 *Other reports.* (a) Except as provided in § 990.30 (b) each nonpool handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each pool handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) Within 5 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been

delivering prior to starting or resuming deliveries;

(2) Promptly after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries;

(3) Subsequent to the 20th day after the end of the month, and within 5 days after the market administrator's request, his producer payroll for such month, which shall show for each producer:

(i) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(ii) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(c) Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk as follows:

(1) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received;

(2) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

(d) In making payments to producers pursuant to § 990.60 (a) (2) or to a co-operative association pursuant to § 990.60 (b) each pool handler shall furnish to such producer or cooperative association with respect to each of its producer-members from whom the handler received milk during the month a written statement showing:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to the producer is required under the provisions of § 990.60 (a) (2);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payments due such producer; and

(6) The net amount of payment to the producer.

(e) Each handler dumping skim milk pursuant to § 990.21 (b) (3) shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the per-

son authorized to sign reports for the handler made pursuant to § 990.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 990.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The information contained in reports submitted in accordance with this order, and

(b) The weights and tests for butterfat and other content of all milk and milk products handled.

§ 990.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

MINIMUM PRICES

§ 990.40 *Class prices.* Subject to the provisions of § 990.42 each pool handler shall pay, at the time and in the manner set forth in § 990.60, for each hundredweight of milk received at his pool plant(s) during the month from producers or an association of producers not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 990.24:

(a) *Class I price.* The Class I price shall be the New England basic Class I price per hundredweight determined pursuant to § 990.41 plus 61 cents.

(b) *Class II price.* The Class II price per hundredweight shall be determined for each month as follows:

(1) Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7;

(2) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in cartons, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the

period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered;

(3) Add the results obtained in subparagraphs (1) and (2) of this paragraph, and from the sum subtract the amount shown below for the applicable month. Subject to subparagraph (4) of this paragraph, the result is the Class II price per hundredweight for producer milk received at plants located not more than 100 miles from Providence.

Month:	Amount
January and February	\$0.612
March and April	0.732
May and June	0.792
July	0.732
August and September	0.672
October, November, and December	0.612

(4) For each month in which no cream price, as described in subparagraph (1) of this paragraph, is reported, and for each month in which the amount determined pursuant to this subparagraph is greater than the amount computed pursuant to subparagraph (3) of this paragraph the amount determined pursuant to this subparagraph shall be the Class II price per hundredweight of milk received from producers:

(i) Adjust the average price for milk for manufacturing purposes, f. o. b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month by subtracting for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any price range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture.

(ii) Adjust the result obtained in subdivision (i) of this subparagraph by the amount shown below for the applicable month:

Month:	Amount
January	+\$0.188
February	+0.178
March	+0.098
April	-0.032
May	-0.062
June	-0.052
July	+0.138
August	+0.228
September	+0.198
October	+0.218
November	+0.228
December	+0.228

§ 990.41 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month

falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period;

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England;

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board or room, 4.33; rate per week without board and room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index; and

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) The seasonal adjustment factor shall be the factor listed below for the month for which price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(c) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the applicable seasonal adjustment factor pursuant to paragraph (b) of this section and multiplying the result by the supply-

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demand adjustment factor determined by the market administrator of Part 904 of this chapter regulating the handling of milk in the Greater Boston marketing area pursuant to § 904.48 (b) of this chapter.

(d) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index X \$0.05592		New England basic Class I price
At least—	But less than—	
184.20	\$4.42	\$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29

* If the New England basic Class I price index times \$0.05592 is less than \$4.20 or is \$6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(e) Notwithstanding the provisions of paragraphs (a) to (d) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

§ 990.42 *Zone price differentials to handlers.* In the case of milk received at plants located in excess of 100 miles from Providence, Rhode Island, the class prices determined pursuant to § 990.40 shall be subject to zone price differentials based upon the zone location of the plant.

(a) The zone location of each plant shall be determined by the market administrator and shall be based upon highway mileage distance as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Providence and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Providence, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table.

PLANT ZONE PRICE DIFFERENTIALS

A	B	C	D
Distance to Providence (miles)	Zone	Class I and blended price differentials (cents per hundred-weight)	Class II price differentials (cents per hundred-weight)
101 to 110	11	-42.0	-4.5
111 to 120	12	-43.2	-4.5
121 to 130	13	-44.4	-4.5
131 to 140	14	-45.6	-4.5
141 to 150	15	-46.8	-4.5
151 to 160	16	-48.0	-6.0
161 to 170	17	-49.2	-6.0
171 to 180	18	-50.4	-6.0
181 to 190	19	-51.6	-6.0
191 to 200	20	-52.8	-6.0
201 to 210	21	-54.0	-7.0
211 to 220	22	-55.2	-7.0
221 to 230	23	-56.4	-7.0
231 to 240	24	-57.6	-7.0
241 to 250	25	-58.8	-7.0
251 to 260	26	-60.0	-8.0
261 to 270	27	-61.2	-8.0
271 to 280	28	-62.4	-8.0
281 to 290	29	-63.6	-8.0
291 to 300	30	-64.8	-8.0
301 and over	31 and over	-66.0	-8.0

* Class I and blended price differentials applicable to plants located more than 300 miles from Providence shall be obtained by extending the table at the rate of 1 cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 990.43 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 990.45 *Producer-handlers.* Sections 990.20 to 990.24, 990.40 to 990.43, 990.46, 990.50 and 990.51, and 990.60 to 990.70 shall not apply to a producer-handler.

§ 990.46 *Payments on other source milk.* Within 16 days after the end of each month handlers shall make payments to producers through the producer-settlement fund as follows:

(a) Each pool handler who received other source milk which is allocated to Class I pursuant to § 990.24 (b) (1) shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price applicable at Providence as computed pursuant to § 990.40.

(b) Each pool handler who received other source milk which is allocated to Class I pursuant to § 990.24 (b) (2) shall make payment on the quantity so allocated as follows:

(1) On other source milk received at a pool plant from a nonpool plant located in Maine, the payment shall be at the difference between the Class I price pursuant to § 990.40 (a) applicable at the zone of the nonpool plant and the lesser of either the simple average for the month of the lowest minimum semi-monthly prices for Class II milk containing 3.7 percent butterfat which are established by the Maine Milk Commission for the market in which such nonpool

plant is located or the Class II price determined pursuant to § 990.40 (b) for the zone location of such plant;

(2) Except as provided in subparagraph (1) of this paragraph, the payment on other source milk received at a pool plant from a nonpool plant shall be at the difference between the Class I and Class II price computed pursuant to § 990.40 for the zone location of the nonpool plant;

(3) For the purposes of this paragraph, other source milk received from dairy farmers for other markets shall be considered as received from the nonpool plant to which they ordinarily delivered.

(c) Each pool handler who receives other source milk in the form of bulk skim milk from a Part 927 of this chapter pool plant which milk was classified and priced as other than Class I pursuant to such order and is allocated to Class I pursuant to § 990.24 (b) (4) shall make payments on the volume of such skim milk so allocated at the difference between the Class I and the Class II price computed pursuant to § 990.40 for the zone location of the plant from which such skim milk was received.

(d) Each nonpool handler (except a buyer-handler) who disposes of fluid milk products in the marketing area on routes shall make payment at the difference between the Class I price and the Class II price for the zone location of his plant on the amount of such disposition which is in excess of his receipts of pool milk and receipts of fluid milk products classified and priced as Class I milk under this part or any other Federal order.

(e) Each buyer-handler shall make payment at the difference between the Class I price and the Class II price for the zone location of his plant on the amount of his Class I utilization which is in excess of his receipts of pool milk and receipts of fluid milk products classified and priced as Class I milk under this part or any other Federal order.

DETERMINATION OF BLENDED PRICE TO PRODUCERS

§ 990.50 *Computation of the obligation of each pool handler.* For each month, the market administrator shall compute the value of producer milk for each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 990.24 by the applicable class price, and total the resulting amounts.

(b) Add the amount of any payments due from such handler pursuant to § 990.46 (a), (b) or (c).

(c) Add an amount computed by multiplying the amount of overage in each class computed pursuant to § 990.24 (b) (10) and (c) by the applicable class price adjusted by the butterfat differential computed pursuant to § 990.61.

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk

pursuant to § 990.24 (b) (8) and (c) for the month, whichever is less.

(e) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim and butterfat for previous months.

§ 990.51 *Computation of the basic blended price.* For each month the market administrator shall compute the basic blended price per hundredweight as follows:

(a) Combine into one total the net obligation computed pursuant to § 990.50 for each handler who made reports prescribed in § 990.30 (a) for the month and who were not in default of payments pursuant to § 990.65 for the preceding month.

(b) Deduct the amount of the plus differentials applicable pursuant to § 990.63 and add the amount of the minus differentials which are applicable pursuant to § 990.62.

(c) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund.

(d) Add the total amount of payments due pursuant to § 990.46 (d) and (e).

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section.

(f) Subtract not less than 4 cents nor more than 5 cents. The result is the basic blended price applicable for producer milk containing 3.7 percent butterfat received at plants to which no zone price differentials are applicable.

PAYMENTS

§ 990.60 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the 5th day after the end of each month, an amount not less than the Class II price for the previous month multiplied by the hundredweight of milk received from such producer during the first 15 days of such month; *Provided*, That for the first month of operation of this part, the price applicable under this subparagraph shall be the Boston city plant Class II price for the previous month;

(2) On or before the 20th day after the end of each month, for the quantity of milk received during the month at not less than the basic blended price per hundredweight computed pursuant to § 990.51 subject to the differentials provided in §§ 990.61, 990.62, and 990.63 less payments made to such producer pursuant to subparagraph (1) of this paragraph and deductions authorized in writing by the producer; *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 990.66 for such milk, he may reduce pro rata his payment to producers by not more than the amount of such underpayment. Payment to producers shall be com-

pleted thereafter not later than the date for making payment pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of an association of producers which the Secretary determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount not less than the total due such producer-members as determined pursuant to paragraph (a) of this section.

(c) In the case of a handler who purchases fluid milk products from an association of producers in its capacity as a handler, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay such association for fluid milk products so received during the month from such association, not less than the value of skim milk and butterfat in such milk and milk products as classified pursuant to § 990.24 at the applicable class prices pursuant to § 990.40 and the butterfat differential pursuant to § 990.61.

§ 990.61 *Butterfat differential.* Each handler shall, in making payments to each producer or association of producers for milk received during the month, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the month during which such milk is delivered, by the United States Department of Agriculture and dividing the result by 10.

§ 990.62 *Zone price differentials.* In making payments to producers pursuant to § 990.60 the blended price to be paid for producer milk received at the handler's pool plant(s) shall be subject to the differentials set forth in column C of the table in § 990.42 (b).

§ 990.63 *Farm location differentials.* (a) In making payments for milk de-

livered by a producer whose farm is located in Rhode Island or east of the Connecticut River in Connecticut, or in any of the Massachusetts counties of Barnstable, Bristol, Dukes, Nantucket, Plymouth, Norfolk, Suffolk or that part of Worcester or Middlesex south of the Massachusetts turnpike, there shall be added 46 cents per hundredweight unless such addition gives a result greater than the Class I price pursuant to §§ 990.40 (a) and 990.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) In making payments for milk delivered by a producer whose farm is located in the Massachusetts counties of Essex or in that part of Worcester or Middlesex north of the Massachusetts turnpike or in the New Hampshire towns of New Ipswich or Greenville, there shall be added 23 cents per hundredweight unless such addition gives a result greater than the Class I price pursuant to §§ 990.40 (a) and 990.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 990.64 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 990.46 (d) and (e), 990.65, 990.67, and 990.68 and out of which he shall make all payments pursuant to §§ 990.66, 990.67, and 990.68; *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

§ 990.65 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each month, each handler, including an association of producers which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler computed pursuant to § 990.50 is greater than the sum required to be paid his producers as determined by the application of the basic blended price computed pursuant to § 990.51 adjusted by the differentials applicable pursuant to §§ 990.62 and 990.63.

§ 990.66 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of the month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid his producers as determined by the application of the basic blended price computed pursuant to § 990.51 adjusted by the differentials applicable pursuant to §§ 990.62 and 990.63 is greater than the net pool obligation of such handler computed pursuant to § 990.50; *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 990.67 *Errors in payment.* Whenever audit by the market administrator of a handler's reports, books, records or accounts discloses adjustments to be made, for any reason which result in moneys due:

(a) The market administrator from such handler.

(b) Such handler from the market administrator, or

(c) Any producer or association of producers from such handler, the market administrator shall promptly notify such handler of any amount due and explain the basis of such adjustment and payment thereof shall be made on or before the date for making payment set forth in the provision under which such error occurred, for the month following that in which such notification is given.

§ 990.68 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 990.46 and 990.65 to 990.70 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 990.69 *Marketing service—(a) Marketing service deduction—nonmembers of an association of producers.* In making payments to producers pursuant to § 990.60 (a) (2), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in paragraph (b) of this section, deduct 5 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 20th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information, and for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

(b) *Marketing service deduction—members of an association of producers.* In the case of producers who are members of an association of producers as determined by the Secretary, which is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to § 990.60 (a) (2) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

§ 990.70 *Payment of administrative expense.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 20th day after the end of the month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, as follows:

(a) Each pool handler shall make such payment with respect to all: (1) Receipts of producer milk, including such handler's own production; (2) receipts of exempt milk; and (3) except as provided in paragraph (c) of this section, other source milk in his plant which is classified as Class I.

(b) Except as provided in paragraph (c) of this section each buyer-handler shall make such payment with respect to other source milk in his plant which is classified as Class I and each nonpool handler, except a buyer-handler, shall make such payment with respect to other source milk which is disposed of as Class I milk in the marketing area on routes.

(c) In the case of other source milk received in the form of fluid milk products from a fully regulated plant under another Federal order the rate of payment applicable pursuant to paragraphs (a) and (b) of this section shall be the amount by which the rate of assessment under this part exceeds the rate of assessment applicable under the other Federal order.

§ 990.71 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service on such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to

pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 990.80 *Effective time.* The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 990.81.

§ 990.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 990.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 990.83 *Liquidation.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 990.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 990.85 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 10th day of November 1958 to be effective as follows: Sections 990.0 to 990.4, 990.10 to 990.12 (l) and (k), 990.20 to 990.24, 990.30, 990.31 (a) and (e), 990.32, 990.33, 990.45, 990.67, 990.70, 990.71, and 990.80 to 990.85 shall be effective November 16, 1958 and all of the remaining provisions shall be effective January 1, 1959.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-9473; Filed, Nov. 13, 1958;
8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	2½	Nov. 4, 1958
New York.....	2½	Nov. 7, 1958
Philadelphia.....	2½	Oct. 24, 1958
Cleveland.....	2½	Oct. 30, 1958
Richmond.....	2½	Oct. 24, 1958
Atlanta.....	2½	Oct. 28, 1958
Chicago.....	2½	Oct. 31, 1958
St. Louis.....	2½	Oct. 24, 1958
Minneapolis.....	2½	Do.
Kansas City.....	2½	Nov. 4, 1958
Dallas.....	2½	Oct. 24, 1958
San Francisco.....	2½	Nov. 6, 1958

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	3	Nov. 4, 1958
New York.....	3	Nov. 7, 1958
Philadelphia.....	3	Oct. 24, 1958
Cleveland.....	3	Oct. 30, 1958
Richmond.....	3	Oct. 24, 1958
Atlanta.....	3	Oct. 28, 1958
Chicago.....	3	Oct. 31, 1958
St. Louis.....	3	Oct. 24, 1958
Minneapolis.....	3	Do.
Kansas City.....	3	Nov. 4, 1958
Dallas.....	3	Oct. 24, 1958
San Francisco.....	3	Nov. 6, 1958

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for ad-

vances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	4	Nov. 4, 1958
New York.....	4	Nov. 7, 1958
Philadelphia.....	4	Sept. 19, 1958
Cleveland.....	4	Oct. 30, 1958
Richmond.....	4	Oct. 24, 1958
Atlanta.....	4½	Oct. 28, 1958
Chicago.....	4	Jan. 24, 1958
St. Louis.....	3½	Oct. 24, 1958
Minneapolis.....	4½	Do.
Kansas City.....	4	Nov. 4, 1958
Dallas.....	4½	Oct. 24, 1958
San Francisco.....	4	Nov. 6, 1958

4. Section 224.5 relating to rates on advances to industrial and commercial business (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act is amended so as to change the percentage rate on loans from 2¼-5¼ to 3½-5½, and to change the rate on commitments from 1-1½ to 1-1¾, effective October 28, 1958 for the Federal Reserve Bank of Atlanta.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,
Secretary.

[F. R. Doc. 58-9435; Filed, Nov. 13, 1958;
8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; PUERTO RICO

1. The county designations and average values for San Lorenzo and Vega Baja appearing at § 331.17, Title 6, Code of Federal Regulations (20 F. R. 9845) were revoked on October 31, 1958.

2. On October 31, 1958, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average values of efficient family-type farm management units in the counties identified below were determined as herein set forth. The counties designated as Aguadilla, Bayamon, Camuy, Ciales, Corozal, Juncos, Manati, and Mayaguez, identified below, were reconstituted as published in 23 F. R. 6173. The average values heretofore established for said counties which appear in the tabulation of average values under § 331.17, Title 6, Code of Federal Regulations (20 F. R. 9845, 22 F. R. 8222, 773) are superseded by the average values set forth below for said counties.

PUERTO RICO

County:	Average value
Aguadilla.....	\$25,000
Bayamon.....	35,000
Camuy.....	26,000
Ciales.....	20,000
Corozal.....	25,000
Juncos.....	20,000
Manati.....	30,000
Mayaguez.....	25,000
Rio Grande.....	30,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: November 7, 1958.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 58-9478; Filed, Nov. 13, 1958;
8:56 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 6, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

CALIFORNIA; RATES OF PAYMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485, 5317, 5764, 6551 and 7876, containing specific requirements for the 1958-crop wheat price support program are hereby amended as follows:

Section 421.3046 (h) is amended by adding the following counties and rates of payments per bushel:

CALIFORNIA

County:	Amount per bushel (cents) ¹
Alpine.....	\$0.01
Plumas.....	.01
Riverside.....	.01
Santa Barbara.....	.01

¹ No payment will be made where purchases of wheat under loan have been made by producers with Soil Bank Certificates.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714; 7 U. S. C. 1441, 1421)

Issued this 10th day of November 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-9476; Filed, Nov. 13, 1958;
8:50 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 5, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

CALIFORNIA; RATES OF PAYMENTS

The regulations issued by the Commodity Credit Corporation and the Com-

modity Stabilization Service published in 23 F. R. 3500, 5319, 6279, 6771 and 7875, containing specific requirements for the 1958-crop rye price support program are hereby amended as follows:

1. Section 421.3386 (h) is amended by adding the following counties and rates of payments per bushel:

CALIFORNIA	
County:	Amount per bushel (cents): ¹
Plumas	\$0.01
Riverside	.01

¹ No payment will be made where purchases of rye under loan have been made by producers with Soil Bank Certificates.

2. Section 421.3386 (h) is amended by increasing the rate of payment for Modoc County, California, from two cents per bushel to four cents per bushel and for Siskiyou County, California, from five cents per bushel to eight cents per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714, 7 U. S. C. 1447, 1421)

Issued this 10th day of November 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-9477; Filed, Nov. 13, 1958;
8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7153]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

THOMAS & NOA FURS, INC., AND CHARLES THOMAS

Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1190 Composition: Fur Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Using misleading name—Goods: § 13.2280 Composition: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 45. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Thomas & Noa Furs, Inc., et al., Lowell, Mass., Docket 7153, October 3, 1958]

In the Matter of Thomas & Noa Furs, Inc., a Corporation, and Charles Thomas, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Lowell, Mass., with violating the Fur Products Labeling Act by tagging fur products with names of animals other than those producing the fur, and by failing to comply with other labeling requirements and with the provisions for invoicing.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Thomas & Noa Furs, Inc., a corporation, and its officers, and Charles Thomas, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:
1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(e) The name or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised, or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Failing to show on labels attached to fur products the item numbers or marks assigned to fur products as required by Rule 40 (a) of the rules and regulations (§ 301.40 (a)).

3. Setting forth on labels affixed to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder which is intermingled with non-required information;

(b) The name or names of any animal or animals other than the name or names specified in section 4 (2) (A) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Setting forth in invoices, information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder, in abbreviated form.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9436; Filed, Nov. 13, 1958;
8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter M—International Traffic in Arms
[Departmental Reg. 108.381]

MISCELLANEOUS AMENDMENTS

The regulations of the Secretary of State issued August 26, 1955, and amended December 27, and December 31, 1957, and April 1, 1958, are amended as follows:

Since the Mutual Security Act of 1954 was amended by Public Law 85-477 where ever the reference to the Mutual Security Act or section 414 of that act appears, it should be amended by the phrase, as amended.

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Section 121.31 is added as follows:

§ 121.31 Metal scrap shipments. (a) The exportation of metal scrap is subject to the licensing jurisdiction of the Department of Commerce. Arms, ammunition, and implements of war do not become metal scrap unless they have been rendered useless beyond the possibility of restoration to their former identity by being subjected to mangling, crushing or cutting.

(b) Exporters of metal scrap, including scrapped arms, ammunition, and implements of war no longer susceptible of restoration to their former identity, should make application for an export license to the Bureau of Foreign Commerce, Department of Commerce.

(c) When an exporter is in doubt as to whether an article has been rendered useless in this sense, it is requested that he consult with the Office of Munitions Control, Department of State, before applying to the Bureau of Foreign Commerce for a license to export it as metal scrap.

PART 122—REGISTRATION

1. Section 122.3 (b) is amended to read:

(b) Registration can be effected for periods of one year, two years, or four years upon payment of a fee of \$75.00, \$150.00 or \$300.00, respectively, at the option of the registrant.

2. Section 122.4 (c) is amended to read:

(c) When a two or four year registration fee is paid, a refund for unused years may be granted if warranted by reason of changed conditions or new facts developed subsequent to the issuance of the registration certificate. A refund for part of a year, however, cannot be granted.

PART 123—LICENSING CONTROLS

1. Sections 123.2 and 123.3 are amended to read:

§ 123.2 *Export licenses.* Licenses to export articles on the United States Munitions List must be applied for on form DSP-5. That form is also proper in applying for licenses to export technical data whenever customs clearance is required. The Department of State will not issue export licenses if a proposed exportation is considered contrary to the interests of world peace or the security or foreign policy of the United States. Prior to the issuance of an export license, the Department of State may also require documentary evidence pertinent to the proposed transaction. Licenses are applicable only to articles physically within the territorial jurisdiction of the United States. (See also § 123.1.)

§ 123.3 *Import licenses.* (a) Licenses to import articles on the United States Munitions List must be applied for on form DSP-38. The Department of State will not issue import licenses if a proposed importation is considered contrary to the interests of world peace or the security or foreign policy of the United States. Prior to the issuance of an import license, the Department of State may also require documentary evidence pertinent to the proposed transaction.

(b) No military firearms or ammunition of United States manufacture may be imported for sale in the United States if such articles were furnished to foreign governments under a United States foreign assistance program, unless purchases by the importer were completed before June 30, 1958. This prohibition is applicable to military firearms and ammunition furnished on a grant basis to, or for which payment in full has not

been made by, a foreign government under the Lend Lease Act of 1941, as amended; the Greek-Turkish Aid Act of 1947, as amended; the China Aid Act of 1948, as amended; the Mutual Defense Assistance Act of 1949, as amended; the Mutual Security Act of 1951, as amended; and the Mutual Security Act of 1954, as amended.

(c) The above restriction covers firearms and ammunition which are advanced in value or improved in condition in a foreign country, but does not include those which have been so substantially transformed as to become, in effect, articles of foreign manufacture.

(d) An importer desiring to import military firearms and ammunition which were manufactured in the United States must certify that such firearms or ammunition are not covered by the provisions of paragraph (b) of this section. The certification statement must be based on corroborative evidence and describe the articles being imported. It may be submitted in the following form:

The undersigned certifies that none of the firearms or ammunition described below which he desires to import for sale in the United States was furnished on a grant basis to, or was acquired without full payment by, a foreign government under a foreign assistance program of the United States as set forth in § 123.3 of Title 22, Code of Federal Regulations.

Description of Articles

Signature _____

(e) For the purpose of this section, the term military firearms and ammunition includes all firearms and ammunition furnished under the foreign assistance programs of the United States as set forth in paragraph (b) of this section. The term "payment in full" as used in paragraph (b) of this section, means the payment of a price established by the United States Government as the full value of the property.

(f) Outstanding licenses authorizing imports of articles covered by the provisions of paragraph (b) of this section shall remain valid until the date of their expiration unless specifically revoked.

2. Section 123.5 is amended to read:

§ 123.5 *Validity and terms of licenses.*

(a) Licenses are valid for six months from the date of issuance unless a different period of validity is stated thereon. In the following types of cases, varying periods of validity may be authorized as warranted.

(1) The validity period of licenses authorizing the exportation of transport aircraft to be newly manufactured for foreign account will normally be governed by the terms of the purchase contract;

(2) Licenses covering large shipments of arms, ammunition, and implements of war bought under long-term contractual arrangements will normally be governed by the terms of the contract;

(3) Licenses authorizing the exportation and importation of ordinary maintenance requirements for scheduled international air carriers using equipment of United States origin will be valid for one year; and

(4) Licenses authorizing the export of helium gas for use of the United States Weather Bureau and certain foreign governments will be valid for one year.

(b) No extensions may be granted on licenses which have expired or are about to expire. If shipment cannot be made during the period of validity of a license, a new license may be applied for to authorize exportation or importation.

(c) Licenses are not transferable and are subject to revocation, suspension or revision without notice. Licenses which have expired or have been revoked must be returned immediately to the Department of State.

3. Sections 123.7, 123.9 and 123.11 are amended to read:

§ 123.7 *Ports of exit or entry.* Applications for license should show the proposed port or ports of exit or entry in the United States. If, subsequent to the issuance of a license, shipping arrangements necessitate a change of port, no amendment to the license is necessary but the Department of State must be notified of a change in port.

§ 123.9 *Shipper's export declaration.* The shipper's export declarations (United States Department of Commerce form 7525-V), covering articles on the United States Munitions List for which an export license is required, must contain the same information in regard to the description, destination, and value of the article to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Department of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

§ 123.11 *Foreign trade zone.* For the purpose of this part, a foreign trade zone of the United States is considered an integral part of the United States. Accordingly, persons who intend to ship articles from any point outside the United States into a foreign trade zone of the United States, established pursuant to the Foreign Trade Zones Act (48 Stat. 998-1003; 19 U. S. C. 81a-81u, as amended) shall submit an application for license to import as described in § 123.1, and obtain the license prior to the entry of such articles into the zone. Persons who intend to ship such articles from a foreign trade zone to a foreign destination, shall submit an application for license to export as described in § 123.1, and obtain the license prior to shipment. The provisions of § 123.4 with respect to intransit licenses are applicable to intransit shipments through a foreign trade zone.

4. Sections 123.14 and 123.15 are added:

§ 123.14 *Requirements relating to the licensing for export of aircraft parts for the maintenance of international air carriers.* (a) The Department of State will consider applications from scheduled air carriers for license to export aircraft spare parts to several countries showing anticipated six-month require-

ments in terms of dollar values only. Such an application may cover ordinary maintenance requirements of the carrier for a period of only six months. Such licenses authorize the exportation to any country named thereon of any aircraft equipment except complete aircraft consigned to the carrier or its foreign representative or foreign affiliate.

(b) Photostatic copies may be made of the license when specifically authorized by the Department of State on the face thereof or by an accompanying letter. Collectors are authorized to accept the duplicate copy of the license under those conditions in lieu of the original.

(c) The Department of State reserves the right to revoke such licenses without notice and to prohibit shipments to any country shown on the license by notifying collectors and shippers to delete from the license (or photostats thereof), the specified country or countries.

§ 123.15 *Requirements relating to the submission of applications for license to export commercial marine radar and parts.* (a) The information required on form DSP-5, application for license to export is sufficient for proposed shipments of commercial marine radar and spare parts to the following countries:

United Kingdom.	Federal Republic
France.	of Germany.
Netherlands.	Portugal.
Belgium.	Denmark.
Italy.	Norway.

Accordingly, it will not be necessary to furnish the detailed information outlined in paragraph (b) of this section in connection with such shipments.

(b) The following information must be given on all other applications for license to export radar, in addition to usual required information:

Complete Radar Sets

(1) If the vessel is under construction:
(a) The name of the company building it, the place where it is being constructed, and the hull designation or number;
(b) The proposed date of completion of the vessel;

(c) The proposed date of installation of the radar;

(d) The name and nationality of the person or firm for whom the vessel is being constructed;

(e) The proposed country of registry of the vessel.

(2) If the vessel is already in operation:
(a) The name of the vessel on which the equipment is to be installed, the place where the installation is to be made, and the proposed date of installation;

(b) The name and address of the owner of the vessel;

(c) The country of registry of the vessel.

It should be noted that the Department of State will not ordinarily approve an application for license to export radar for installation on a vessel, the construction of which will not be completed within one year from the date of the proposed export.

Radar Spare Parts

The provisions of subparagraphs (1) and (2) and of the preceding paragraph do not apply in cases where radar sets or radar parts are to be sent by the exporter or manufacturer to an agent or representative abroad, to be put in stock and held for resale. However, with respect to such shipments, a statement should be furnished to the Department

giving full information as to the relationship of the applicant, exporter, or manufacturer to the consignee or purchaser, the reasons for stocking such equipment in the foreign country, and, if available to the applicant, the number of sets and the quantities of parts held in stock by the agent abroad. It is necessary to submit with applications only such of the information as has not previously been furnished to the Department.

5. Section 123.21 (a) is amended to read:

§ 123.21 *Country of ultimate destination.* (a) The country designated on an application for export license as the country of ultimate destination must be the country wherein the articles being exported are to be used or consumed, not a country receiving the shipment in transit. If it is the intention of the exporter that the articles being exported and consigned to one country are to be transhipped to another country or pass through the hands of an intermediate consignee, all facts relevant to such action must be clearly indicated on the license application.

6. Paragraphs (a) and (d) of § 123.23 are amended to read:

§ 123.23 *Canadian shipments.* (a) Subject to the provisions of paragraphs (d) and (e) of this section, collectors of customs may release shipments of arms, ammunition, and implements of war to or from Canada without a license. (See also § 125.12 of this chapter.)

(d) The provisions of paragraph (a) of this section do not apply to shipments of arms, ammunition, and implements of war which were imported into Canada from a third country and have been in Canada less than one year since arriving in Canada. An import license will be required whenever there is not satisfactory proof that such material has been in Canada at least one year.

7. Paragraph (e) is added to § 123.23, as follows:

(e) Regardless of length of stay in Canada, no military firearms or ammunition of United States manufacture may be imported for sale in the United States if such articles were furnished to foreign governments by the United States under a foreign assistance program. This prohibition is applicable to military firearms and ammunition supplied on a grant basis to, or for which payment in full has not been made by, a foreign government under the Lend Lease Act of 1941, as amended; the Greek-Turkish Aid Act of 1947, as amended; the China Aid Act of 1948, as amended; the Mutual Defense Assistance Act of 1949, as amended; the Mutual Security Act of 1951, as amended; and the Mutual Security Act of 1954, as amended.

8. Section 123.26 is amended to read:

§ 123.26 *Territories, possessions, other areas under United States sovereignty and the Canal Zone.* (a) Export and import licensing controls do not apply to shipments between the continental United States, United States territories, possessions, other areas under the sovereignty of the United States and the Canal Zone. Licenses are required, how-

ever, on shipments between such areas and foreign countries.

(b) The special authorization of the Department of the Navy is required should the export movement of commodities contemplate traversing any areas under the specific administration of the Department of the Navy. These include:

- A. Areas in the Atlantic:
 - (1) Culebra Island Naval Airspace Reservation;
 - (2) Guantanamo Bay Naval Airspace Reservation.
- B. Areas in the Pacific:
 - (1) Guam Island Naval Defense Sea Area;
 - (2) Johnston Island;
 - (3) Wake Island;
 - (4) Midway Island;
 - (5) Kingsman Reef;
 - (6) Honolulu Defense Sea Area;
 - (7) Kaneohe Bay Naval Airspace Reservation;
 - (8) Pearl Harbor Defense Sea Area;
 - (9) Kodiak Naval Airspace Reservation;
 - (10) Kiska Island Naval Airspace Reservation;
 - (11) Unalaska Island Naval Airspace Reservation;
 - (12) Sand Island;
 - (13) Saipan District;
 - (14) Northern Mariana Islands less Rota (The Department of the Interior has administrative responsibilities for the Marshall and Caroline Islands and Rota Islands);
 - (15) Bonin, Volcano, and Marcus Islands;
 - (16) Eniwetok and Bikini Atolls.

9. Sections 123.28 and 123.29 are added:

§ 123.28 *Swiss Blue Import Certificate.* The Swiss Blue Import Certificate is similar in purpose to the Declaration of Destination used by United States importers of U. S. Munitions List items as described in § 123.27. The Department normally requires the submission of a Swiss Blue Import Certificate with applications for license to export United States Munitions List articles to Switzerland. The following are exceptions to this requirement:

(a) The exportation of aircraft components, spare parts, and accessories ordered by SWISSAIR for its own use or exported for installation in an aircraft of United States registry and ownership.

(b) If articles are shipped to a bonded Swiss warehouse a Swiss Blue Import Certificate is not required to be submitted to the Department of State when an application for export license is filed. This exemption is subject to the following conditions:

(1) It must be stated on the application that shipment is being made to such a warehouse and the Department must be furnished with a prior estimate and a post facto accounting in the form of quarterly reports of withdrawals from the bonded warehouse. Such quarterly reports must be signed by an authorized official of the company submitting the record and his signature must be notarized. The prior estimate should include countries of ultimate destination and percentage estimate of amounts to be shipped to each country.

(2) The applicant must submit the names and addresses of distributors or end-users, if available, with the application for license to export United States Munitions List articles to Switzerland,

unless the names have already been approved by the Department.

(3) If the information called for in subparagraph (2) of this paragraph is not available when the license application is filed, the applicant must describe clearly the anticipated end use.

(4) A Swiss Blue Import Certificate must be submitted after issuance of the United States export license but before release of items to the Swiss purchaser for those items entering the Swiss economy.

§ 123.29 *Domestic aircraft shipments via foreign ports.* (a) Collectors of Customs may permit the departure from the United States of aircraft shipments of arms, ammunition, and implements of war destined for another United States port via a foreign country. If a foreign country other than Canada is involved a statement should be required from the pilot describing the articles being shipped. The original of the statement should be filed with the collector at the port of exit and a duplicate thereof filed with the Collector at the port of re-entry, for endorsement by him and transmission to the Collector at the port of exit.

(b) The following form of declaration may be used:

DECLARATION

DOMESTIC SHIPMENTS VIA FOREIGN PORTS OF ARTICLES ON UNITED STATES MUNITIONS LIST

The undersigned certifies that the articles listed below are being shipped from _____ via _____
(U. S. port of exit) (Foreign port)
and that the final destination is _____
(U. S. port of entry)

Amount Description of Article Value

Signed _____

Endorsement: Customs Inspector, _____

Port of exit _____ Date _____

Endorsement: Customs Inspector, _____

Port of entry _____ Date _____

10. Section 123.41 is deleted.

11. Sections 123.51, 123.52 and 123.53 are amended to read:

§ 123.51 *Obsolete small arms.* Sub-

ject to the provisions of § 123.3, collectors of customs are authorized on presentation of satisfactory evidence of age to permit the importation or exportation without a license of small arms covered by category I of the United States Munitions List, which were manufactured prior to 1898.

§ 123.52 *Arms carried on person or in baggage.* Subject to the provisions of § 123.22, collectors of customs are authorized to permit rifles, carbines, revolvers or pistols and ammunition therefor, to enter the United States or depart therefrom without a license when these articles are on the person of an individual or with his baggage or effects, whether accompanied or unaccompanied, and are intended exclusively for his personal use for sporting or scientific pur-

poses or for personal protection and not for re-sale. No more than three arms and no more than one thousand cartridges shall in any case be carried by an individual under the provisions of this section.

§ 123.53 *Ammunition for personal use of consignee.* Subject to the provisions of § 123.22, collectors of customs are authorized to permit the exportation or importation without a license of ammunition for rifles, carbines, revolvers or pistols, provided the quantity does not exceed one thousand rounds in any shipment and the ammunition is for the personal use of the consignee and not for re-sale. A license is required, however, for the exportation of such ammunition to Bahrain, Kuwait, Qatar, the Trucial States, and Muscat and Oman.

12. The headnote of § 123.54 is amended to read: "Arms for the use of members of the Armed Forces."

13. Section 123.55 is added:

§ 123.55 *Sample shipments of small arms.* Collectors of customs are authorized to permit rifles, carbines, revolvers and pistols in sample lots not in excess of three guns of any one model to be exported or imported without a license provided the articles being shipped are not for sale and it is intended that they be returned to the same exporter or importer. Collectors of customs may also permit the exportation and importation of such sample weapons without a license when they are being returned to their owner.

14. Section 123.63 is amended to read:

§ 123.63 *Return of small United States civil aircraft.* Collectors of customs are authorized to permit the importation without a license of personal or executive type civil aircraft with a seating capacity of no more than five passengers, if they were previously exported under license from the United States. An export license will, however, be required if the equipment is subsequently to be re-exported.

15. Section 123.64 is amended to read:

§ 123.64 *United States aircraft on temporary sojourn abroad.* (a) Collectors of customs may permit the departure from the United States without a license of aircraft, except military aircraft, such as fighters and bombers, which are flown or shipped from the United States for a temporary sojourn abroad of not to exceed six months' duration, provided the collector of customs is satisfied that the conditions set forth in paragraph (b) of this section have been met.

(b) Owners or operators of aircraft departing from the United States for temporary sojourn abroad under the provisions of paragraph (a) of this section shall certify by written declaration submitted in duplicate in a form acceptable to the collectors of customs that:

(1) The aircraft will not be disposed of; (2) the aircraft will be returned to the United States within six months; (3) it will be operated only by a U. S. licensed

pilot, except on demonstration flights; and (4) it will remain under U. S. registry while abroad. The provisions of § 126.2 of this chapter shall apply to such a written declaration. (See also Information Circular No. 9, as amended, April 25, 1958.)

(c) While the form of declaration may be modified in accordance with special requirements of the collector of customs at the port of exit, a declaration such as the following is acceptable:

A. Declaration of temporary sojourn.

The undersigned certifies that he is the (owner) (operator) of an aircraft identified as a _____ bearing markings _____; that it is departing from the United States on a temporary sojourn abroad not to exceed six months; that he is the holder of CAA letter of registration for this aircraft dated _____ that the aircraft's ultimate destination outside the United States is _____; that it will re-enter the United States through the port of _____ on or about _____; that he will not dispose of the aircraft, its parts, components, or accessories in any foreign country nor permit its use in military activities; that it will be operated by a U. S. licensed pilot (except in demonstration flights) while abroad; that he will not change its U. S. registration while abroad; that if the aircraft or any of its parts is to be sold or disposed of in a foreign country, it will be immediately returned to the United States and an export license applied for unless specific written authorization to the contrary is given by the Department of State; that he will not transport in such aircraft arms, ammunition, or implements of war unless authorized by the Department of State; and that the purpose of the temporary sojourn abroad is as follows:

Signed _____

Address _____ (Owner) (Operator)

Departure date _____ Port of Exit _____

Re-entry date _____ Port of Entry _____

Customs Inspector _____

tifying that the conditions set forth in paragraph (b) of this section will be observed. The provisions of § 126.2 of this chapter shall also apply to such a written declaration. A copy of the declaration shall be retained by the customs officer endorsing the original. In the case of an aircraft making a series of flights over a six months' period, the endorsed declaration shall be carried on the aircraft as evidence of the fact that the required permission has been granted. At the end of the six-month period, the declaration shall be surrendered to the customs office which granted the permission.

(f) If, at the end of the six-month period, a temporary sojourn permit remains outstanding, the collector of customs at the port of exit should submit the matter to the Customs Agency Service for investigation.

(g) The collector of customs at the port of departure is authorized in appropriate instances to grant one six-month extension in temporary sojourn cases. Requests for extensions beyond a year should be referred to the Department of State for comments.

16. The title heading before § 123.81 is amended to read: "RELATED REQUIREMENTS OF OTHER DEPARTMENTS".

17. Section 123.82 (b) and (c) are amended to read:

(b) The National Firearms Act imposes taxes upon manufacturers, importers, and dealers in certain firearms and taxes on transfers of certain firearms. Rules and regulations for the enforcement of the National Firearms Act are prescribed by the Commissioner of Internal Revenue. The term "firearm" as used in this act, includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions, solely by reason of the length of its barrel if the caliber of such rifle is .22 caliber or smaller and if its barrel is sixteen inches or more in length."

(c) The Federal Firearms Act regulates the activities of manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. Rules and regulations for the enforcement of the Federal Firearms Act are prescribed by the Commissioner of Internal Revenue. The term "firearm", used in this Act, means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of any explosive and a firearm muffler or firearms silencer, or any part or parts of such weapon"; and the term "ammunition" includes "all pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rim-fire ammunition."

18. Section 123.82 (e) is deleted.

PART 124—LICENSING AGREEMENTS, TRANSMISSION OF INFORMATION

1. Sections 124.1 and 124.2 are amended to read:

§ 124.1 *Manufacturing license agreements.* Agreements entered into between persons or companies residing in the United States and persons or companies residing abroad for the manufacture abroad of articles designated as arms, ammunition, and implements of war by the United States Munitions List do not constitute authorization for the exportation without a license of technical data relating to such articles, unless the Department of State has indicated in writing that it has no objection to the agreement. (See § 125.26 of this chapter.) In order to be eligible for any special exemptions provided by the regulations with respect to such agreements, persons or firms desiring to enter into agreements of this kind are advised to communicate with the Department of State.

§ 124.2 *Technical service and assistance agreements.* Agreements entered into between persons or companies resident in the United States and persons or companies resident abroad for the servicing abroad of equipment manufactured in the United States or for the furnishing of technical assistance relating to articles designated as arms, ammunition, and implements of war by the United States Munitions List or for the sale of such articles do not constitute authorization for the exportation without a license of technical data relating to such articles unless the Department of State has indicated in writing that it has no objection to the agreement. (See § 125.26 of this chapter.) In order to be eligible for any special exemptions provided by the regulations with respect to such agreement, persons or firms desiring to enter into agreements of this kind are advised to communicate with the Department of State at the inception of preliminary negotiations, and negotiations should not be concluded until the matter has been reviewed by the Department of State.

2. Section 124.3 (a) is amended to read:

§ 124.3 *Required provisions in agreements.* (a) Proposed technical assistance or manufacturing license agreements which may involve the transfer or interchange of technical data (see §§ 121.8 and 121.9 of this chapter) should set out in detail the terms and conditions of such transfer or interchange and define in precise terms the following:

- (1) The equipment and technology involved.
- (2) The scope of the information to be furnished.
- (3) The period of duration of the agreement.
- (4) Statement of ownership.

PART 125—TECHNICAL DATA

1. Section 125.5 is amended to read:

§ 125.5 *Shipment by or to the United States Government.* A written approval or an export license is not required when

the United States Government or an agency thereof is the consignee unless a private individual or firm is involved in the shipping or mailing procedures.

2. Section 125.6 is added:

§ 125.6 *Library exchanges.* The exportation by a United States Government agency of depository list publications consisting of published technical data relating to United States Munitions List articles under library exchange arrangements is not subject to the provisions of section 414 of the Mutual Security Act of 1954, as amended.

3. Sections 125.13 and 125.21 are amended to read:

§ 125.13 *Exportation of technical data with patent applications.* The exportation of technical data relating to arms, ammunitions, and implements of war with any patent application for foreign patents is subject to the jurisdiction of the Secretary of State. A Department of State written approval or export license is required for the exportation of unclassified technical data included as part of or with an application for a foreign patent. The written approval of the Secretary of State is in addition to the specific licensing requirement of the Patent Office during the first six months after the filing of the application with that office. If the patent application is covered by a secrecy order, all questions relating thereto should be addressed to the Patent Office.

§ 125.21 *Unclassified technical data in the form of sales bulletins, operational manuals, etc.* (a) Collectors of customs or postal authorities may permit the exportation without written approval to any destination other than those listed in § 125.42 of unclassified technical data in the form of sales bulletins, operational, maintenance and sales promotion manuals which relate to equipment previously licensed for export by a private firm or individual.

(b) Collectors of customs or postal authorities may permit the exportation to specified destinations, without a written approval or license of additional copies of sales bulletins, operational, maintenance and sales promotion manuals previously approved for export to those destinations.

4. The title heading before § 125.41 is amended to read: "MAILING AND SHIPPING PROCEDURES".

5. Section 125.41 is amended to read:

§ 125.41 *Certification requirements.* If the exporter wishes to claim the benefit of an exemption from the requirement for a specific written approval in accordance with the provisions of §§ 125.21 to 125.27 inclusive, he is required to certify that he has complied with the conditions set forth therein. He may so certify by marking the package or letter "22 CFR 125.41 complied with."

6. Section 125.43 is amended to read:

§ 125.43 *Clearance of shipments.* If a written approval or license is required in connection with the exportation of technical data, such documentation

must be presented to the appropriate customs or post office at the time of mailing or shipping.

7. Delete §§ 125.44 to 125.52 inclusive.

PART 126—VIOLATIONS AND PENALTIES

Part 126 is amended to read as follows:

- Sec.
126.1 Violations in general.
126.2 Penalties for violations.
126.3 Authority of collectors of customs.
126.4 Seizure and forfeiture.

AUTHORITY: §§ 126.1 to 126.4 issued under sec. 414, as amended; 68 Stat. 848; 22 U. S. C. 1934; sec. 103, E. O. 10575; 19 F. R. 7252; 3 CFR 1954 Supp. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 126.1 *Violations in general.* It shall be unlawful for any person to export or attempt to export from the United States any of those articles designated by the United States Munitions List as arms, ammunition, and implements of war or to import or attempt to import such articles into the United States without first having obtained a license therefor unless a written approval was obtained from the Department of State or an exemption from this requirement is authorized by this subchapter.

§ 126.2 *Penalties for violations.* Any person who willfully violates any provision of section 414 of the Mutual Security Act of 1954, 22 U. S. C. 1934, as amended, or any rule or regulation issued under that section, or who willfully, in a registration, license application, or written request for approval, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$25,000 or imprisoned not more than two years, or both.

§ 126.3 *Authority of collectors of customs.* (a) Collectors of customs are authorized to take appropriate action to insure observance of this subchapter as to the importation, or attempt to import, or to the exportation, or attempt to export, arms, ammunition, and implements of war, including technical data relating thereto, whether or not authorized by the licenses or written approval issued under this subchapter, including but not limited to inspection and loading or unloading of carriers.

(b) When a license or written approval is presented to a collector of customs authorizing the exportation or importation of arms, ammunition, and implements of war, together with such other documents as may be required by customs regulations, the collector may require the production of other documents and information relating to the proposed exportation or importation, including invoices, orders, packing lists, shipping documents, correspondence, instructions, and other relevant information and documents.

(Sec. 1, 40 Stat. 223, as amended; R. S. 3062, as amended; secs. 510-512, 595, 46 Stat. 733; 734, 762; sec. 1, 62 Stat. 716; 22 U. S. C. 401;

19 U. S. C. 483, 1510-1512, 1595; 18 U. S. C. 545)

§ 126.4 *Seizure and forfeiture.* Whenever an attempt is made to import, or bring into the United States, or to export, or ship from, or take out of the United States, any arms, ammunition, and implements of war, including technical data relating thereto, in violation of law, the several collectors of customs may seize and detain any such arms, ammunition, and implements of war, including technical data relating thereto, and the vessel or vehicle containing the same, and retain possession thereof until released or disposed of as directed by law.

(Sec. 1, 40 Stat. 223, as amended; R. S. 3062, as amended; sec. 1, 62 Stat. 716; 22 U. S. C. 401; 19 U. S. C. 483; 18 U. S. C. 545)

PART 127—FOREIGN MILITARY AIRCRAFT FLIGHTS

Part 127 is amended to read as follows:

- Sec.
127.1 Foreign military flight clearances.
127.2 Use of military installations.
127.3 Required information.
127.4 Reciprocal arrangements.

AUTHORITY: §§ 127.1 to 127.4 issued under sec. 414, as amended; 68 Stat. 848; 22 U. S. C. 1934; sec. 103, E. O. 10575; 19 F. R. 7251, 3 CFR 1954 Supp.; 49 U. S. C. 176 (a).

§ 127.1 *Foreign military flight clearances.* Foreign military aircraft desiring to overfly or land on United States territory are required to obtain written authorization to do so in advance from the Department of State. Such a request normally is made by the appropriate foreign government embassy in Washington in the form of a diplomatic note. The request must reach the Department no later than 72 hours before the overflight is to take place.

§ 127.2 *Use of military installations.* Requests by foreign governments for authorization to land their military aircraft at United States military installations must have the approval of the defense agency owning or leasing the military installations in addition to the required authorization of the Secretary of State for overflight of United States territory. (See § 127.1.) Requests for authorization to visit a military installation should be made to the defense agency concerned as far in advance as possible and no later than 72 hours before the arrival date. It should contain information outlined in § 127.3.

§ 127.3 *Required information.* In regard to the information required in connection with §§ 127.1 and 127.2, foreign governments requesting permission for military aircraft to overfly and land should support the request with the following information:

- The purpose of the flight;
- The type and identity of the aircraft;
- Names and nationality of crew;
- Names and nationality of passengers;
- Dates of arrival and departure at each point;
- Special services and facilities desired.

§ 127.4 *Reciprocal arrangements.* Reciprocal arrangements have been entered into with certain countries concerning military flights. Such arrangements have the effect of modifying or eliminating the necessity of obtaining prior clearances under the conditions set forth in the agreements.

PART 128—ADMINISTRATIVE PROCEDURES

Part 128 is amended to read as follows:

- Sec.
128.1 Exclusion of functions under section 414 of Mutual Security Act of 1954, as amended.
128.2 Exclusion of functions under section 6A of Air Commerce Act of 1926, as amended.

AUTHORITY: §§ 128.1 and 128.2 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.

§ 128.1 *Exclusion of functions under section 414 of Mutual Security Act of 1954, as amended.* The functions conferred by section 414 of the Mutual Security Act of 1954, as amended, are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by sections 1003 and 1004 thereof.

§ 128.2 *Exclusion of functions under section 6A of Air Commerce Act of 1926, as amended.* The functions conferred by section 6A of the Air Commerce Act, as amended (49 U. S. C. 176 (a)), as amended by section 1107 (i) (3) of the Civil Aeronautics Act, 52 Stat. 1028) are excluded from the operations of the Administrative Procedures Act as contemplated by sections 1003 and 1004 thereof. (Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.)

The above amendments shall become effective on November 15, 1958.

Dated: November 7, 1958.

For the Secretary of State:

ROBERT L. O'CONNOR,
Administrator, Bureau of
Security and Consular Affairs.

[F. R. Doc. 58-9470; Filed, Nov. 13, 1958; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

INSTITUTIONAL PHASE

In Part 862, §§ 862.1 to 862.20 are rescinded and the following substituted therefor:

- Sec.
862.1 Policy.
862.2 Mission.
862.3 Purpose and objectives.
862.4 Definitions.
862.5 Organization.
862.6 Establishment and disestablishment.
862.7 Eligibility requirements.
862.8 Completion of courses.
862.9 Categories of advanced course cadets.

- Sec.
 862.10 Additional requirements for enrollment in advanced course.
 862.11 Waivers for enrollment in advanced course.
 862.12 Conditional enrollment in advanced course.
 862.13 Pursuing students.
 862.14 Credit for previous military training.
 862.15 Concurrent membership in a reserve component.
 862.16 Enrollment of Reservists not on extended active duty.
 862.17 Assignment of Air Force Reservists enrolled in Air Force ROTC.
 862.18 Compression, curtailment, or concurrent pursuit of courses.
 862.19 Transfer of Air Force ROTC cadets.
 862.20 Discharge.
 862.21 Appointment as Reserves of the Air Force.
 862.22 Application for flying training.

Authority: §§ 862.1 to 862.22 issued under sec. 8012, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply secs. 8540, 9381-9387, 70A Stat. 527, 568-571; 10 U. S. C. 9381-9387.

Derivation: AFR 45-48, February 25, 1958; AFR 45-48A, July 25, 1958, and AFR 45-48B, October 23, 1958.

§ 862.1 **Policy.** (a) The Air Force ROTC is the major officer procurement program. It is conducted jointly in working partnership by the cooperating educational institutions and the Department of the Air Force.

(b) By law, a senior division and a junior division of the Air Force ROTC are authorized. The Air Force establishes and maintains Air Force ROTC units of the senior division only. The Air Force ROTC program is confined to accredited degree-granting institutions, and should coincide with the normal academic program leading to a baccalaureate degree.

(c) The Department of the Air Force interposes no objections to recruiting visits to educational institutions having Air Force ROTC units by representatives of other services. However, basic course cadets who have executed a deferment agreement and advanced course cadets will not be eligible for procurement programs of those services unless they have the written concurrence of the Professor of Air Science (PAS).

§ 862.2 **Mission.** The mission of the Air Force ROTC is to develop in selected college students, through a permanent program of instruction at designated civilian educational institutions, those qualities of leadership and other attributes essential to their progressive advancement to positions of increasing responsibility as commissioned officers in the United States Air Force.

§ 862.3 **Purpose and objectives.** The purpose and specific objectives of this program are:

(a) To develop in selected cadets, through a sound education and training program, the initial motivation to serve as career officers in the United States Air Force.

(b) To develop in cadets by precept, example, and participation the attributes of character, personality, and attitudes essential for leadership.

(c) To develop in cadets an interest in the Air Force and an understanding of its mission, organization, operations, problems, and techniques.

(d) To provide that military education and training which will prepare cadets to discharge the duties and responsibilities required of them as Air Force officers.

(e) To select and motivate cadets for career fields as specifically required by the United States Air Force.

§ 862.4 **Definitions.** For the purpose of §§ 862.1 to 862.22, the following definitions will apply:

(a) **Detachment.** An organization of Air Force personnel assigned to Headquarters Air Force ROTC with duty station at civilian educational institutions.

(b) **Unit.** The organization which includes the detachment and Air Force ROTC cadets at an institution.

(1) **Standard unit.** The principal Air Force ROTC at an institution.

(2) **Subunit.** That portion of a unit located at an institution or sub-division of an institution which is physically separated from the campus where the main detachment is located.

(c) **Department of Air Science.** The integral academic subdivision of an educational institution which includes all Air Force ROTC activities conducted at the institution as stipulated in a contract with the Air Force.

(d) **Air Science.** The official designation of the Air Force ROTC program of instruction.

(e) **Basic course.** The first and second year program of instruction in Air Science.

(f) **Advanced course.** The third and fourth year program of instruction in Air Science.

(g) **Air Force ROTC summer training.** A period of training for the advanced course cadets conducted at an Air Force installation.

(h) **Summer training unit (STU).** The training organization established annually as the camp authorized by section 9385, Title 10, United States Code, to conduct the training cited in paragraph (g) of this section.

(i) **Professor of Air Science (PAS).** The senior commissioned officer of the Air Force assigned to duty with a standard unit or a subunit of the Air Force ROTC.

(j) **Institutional phase.** That portion of the entire Air Force ROTC program conducted at a civilian educational institution, as distinguished from the Air Force ROTC summer training phase.

(k) **Academic year.** The period that begins with the opening date of registration for the fall term and ends the day before the opening date of the fall term registration of the following year.

(l) **Cadet.** A student who has been admitted to full membership in the Air Force ROTC and is entitled to all benefits authorized by law and regulations pertaining thereto.

(m) **Conditional cadet.** A student who is tentatively accepted and conditionally enrolled in the advanced course pending determination of his eligibility for enrollment.

(n) **Pursuing student.** A student who is not a member of the Air Force ROTC, nor a candidate for appointment as a commissioned officer on the basis of the completion of the Air Force ROTC program, but is permitted to pursue the

institutional phase of the Air Force ROTC course for academic credit only.

(o) **Category.** A classification of cadets.

(p) **Air Force ROTC graduate.** A cadet who has successfully completed the Air Force ROTC program prescribed by law and regulations, including the prescribed Air Force ROTC summer training, and has been awarded a baccalaureate degree.

(q) **Graduating class.** Consists of cadets who qualify for or are scheduled to qualify for appointment during the period of May 1 of any particular year through April 30 of the following year.

(r) **Extended active duty (EAD).** A tour of active military service performed by a Reserve officer who occupies an authorized troop space in the active military establishment.

(s) **Active duty for training.** A six-month tour of active military service for Reserve training under orders that provide for automatic reversion to an inactive duty training status upon completion of the specified period of active military service.

(t) **Friendly foreign nation.** Those nations outside of Communist domination or influence, or which are known to have military or political pacts with the United States. (Individual cases, where there is doubt as to the status of the nation concerned, should be forwarded to Headquarters, USAF, for a final determination.)

§ 862.5 **Organization.** The Air Force ROTC is organized as a subordinate command of the Air University with the procedural functions and responsibilities of a numbered air force. It is composed of a headquarters, standard units, and certain subunits.

§ 862.6 **Establishment and disestablishment of Air Force ROTC units.** A standard unit will not be established or disestablished without the approval of the Secretary of the Air Force. Subunits may be established or disestablished by mutual arrangement between the Commandant, Air Force ROTC, and the institutions involved. Subunits established by Headquarters USAF will not be disestablished without prior Secretarial approval.

§ 862.7 **Eligibility requirements—(a) Statutory.** Eligibility for enrollment is limited by law to students at institutions where Air Force ROTC units are established who are:

- (1) Citizens of the United States.
- (2) Not less than 14 years of age.
- (3) Physically qualified for military service, or will be so on arrival at military age.

(b) **Character.** Good moral character is a prerequisite for enrollment and continuance in the Air Force ROTC.

(1) A student who has been convicted by a court-martial or by a civil court for any offense other than a minor traffic violation will not be certified for Selective Service deferment as a basic student, nor will he be enrolled initially or continued in the advanced course unless such offense is waived by competent authority. The Commandant, Air Force ROTC, may waive nonrecurrent minor

violations considered not prejudicial to performance of duty as an Air Force officer nor indicative of unacceptable traits of character.

(2) Persons eliminated from a service academy or from any officer training program of the Army, Navy, or Air Force for military inaptitude, indifference, or undesirable traits of character will not be enrolled or permitted to wear the Air Force ROTC uniform; this includes persons who resign in the face of impending charges as well as those eliminated by official action. Persons who have been eliminated for academic inaptitude may apply for enrollment in the Air Force ROTC; however, their applications will be referred to the Commandant, Air Force ROTC, for review and approval prior to their enrollment.

(3) Persons eliminated for disciplinary reasons from a service academy or from one of the officer training programs of the Army, Navy, or Air Force will neither be certified for Selective Service deferment as basic students nor enrolled in the advanced course, unless a waiver is granted by the Commandant, Air Force ROTC.

(c) *Loyalty.* (1) A student who does not sign the following certificate which will be a part of his record, will not be enrolled in the basic course: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God."

(2) If an advanced course applicant fails or refuses after instruction to fill out DD Form 98, "Armed Forces Security Questionnaire," in its entirety, the Professor of Air Science will deny him enrollment in the advanced course. If an applicant makes entries on DD Form 98 which provide reason for believing that his enrollment is not clearly consistent with the interests of national security, or if the applicant qualified his DD Form 98 by an entry of other than "none" or "none to my knowledge," in the remarks section thereof, he shall be denied appointment or enrollment until such time as a full and complete investigation discloses that such action would not be prejudicial to the national interest. In this connection, students should be advised to file their DD Forms 98 sufficiently in advance of the dates announced for formal enrollment to permit such investigation if required. The Professor of Air Science will request a priority National Agency Check through appropriate channels on such applicants. The questionnaires DD Form 98, five copies of DD Form 398, "Statement of Personal History," and FD Form 258, "FBI Applicant Fingerprint Card," should accompany the request. The applicant may be conditionally enrolled in the advanced course until his eligibility for enrollment and commissioning has been determined.

(3) Professors of Air Science will make certain that United States citizens failing to sign the certificate in subparagraph (1) of this paragraph or to fill out

DD Form 98 are not permitted to wear the Air Force ROTC uniform.

(4) A National Agency Check must be completed with favorable results on each applicant prior to tendering an appointment as a Reserve Officer of the Air Force.

(d) *Age.* A student will not be enrolled initially or be allowed to re-enroll in the advanced course after a period of non-participation in Air Force ROTC training, if his age is such that he will be unable to complete all requirements for appointment as a Reserve of the Air Force prior to reaching age 26 years 6 months, if programmed for flying training, or age 28 years, if programmed for other than flying training.

§ 862.8 *Completion of courses.* The Air Force ROTC program is composed of two separate and distinct courses, a 2-year basic course and a 2-year advanced course. Completion of the basic course does not guarantee acceptance into the advanced course. A student voluntarily applies for the advanced course and competes with all other applicants for selection within a specific category.

(a) As stipulated in the agreement between the institution and the Air Force, each cadet who has enrolled in either course must complete that course as a prerequisite to his graduation from the institution. This obligation may be waived under regulations prescribed by the Secretary of the Air Force.

(b) Normally, entrance into the advanced course will be phased so that completion of the advanced course and the awarding of the degree will coincide. Exceptions may be made under policies prescribed by the Commandant, Air Force ROTC.

§ 862.9 *Categories of advanced course cadets.* There are five categories of advanced course students; however, only four of these (Cat. I, II, III, and IV) are open to applicants for their initial enrollment. As many qualified students may be enrolled in the appropriate category as are necessary to fulfill, but not exceed, quotas set by Headquarters USAF and sub-allotted by the Commandant, Air Force ROTC for the graduating class in which they will be appointed. A cadet enrolled in Category I, II, or III and commissioned from it upon graduation from the Air Force ROTC program will be required to serve an initial active duty period according to the terms of his category agreement. These categories are:

(a) *Category I.* Cadets who qualify for flying training; for reporting purposes, there are two subcategories, I for pilot candidates, and IA for navigator candidates.

(b) *Category II.* Cadets enrolled in college programs leading to a baccalaureate degree, with majors in prescribed engineering and scientific fields of study, or who may qualify for basic meteorology training, and who meet physical standards for an Air Force commission.

(c) *Category III.* Cadets enrolled in college programs leading to a baccalaureate degree, generally with majors in

other than engineering and scientific fields of study, and who meet physical standards for an Air Force commission.

(d) *Category IV.* Cadets who have fulfilled their active military service requirements for selective service purposes, except that cadets who have served on active duty for training as provided in the Reserve Forces Act of 1955 (Pub. Law 305) (69 Stat. 598) will not be enrolled in Category IV. Category IV graduates, other than those accepting Regular Air Force appointments as Distinguished Military Graduates, will not be ordered to extended active duty unless they volunteer and are selected under an authorized program in accordance with §§ 861.901 to 861.909.

(e) *Category V.* This category is not open to advanced course applicants for their initial enrollment. It has been established as an additional category for enrolling: Category I and IA cadets who fail to remain medically qualified; certain Category I cadets who become disqualified as the result of Flight Instruction Program participation and other groups as designated in special circumstances by Headquarters USAF. Cadets will be advised ninety days prior to graduation whether they will be called to Extended Active Duty or Active Duty for Training. Unless otherwise directed or waived by Headquarters USAF, the following additional conditions must exist before a cadet can be transferred from Category I (I and IA) to Category V:

(1) The Cadet must be medically and otherwise qualified for nonrated pay.

(2) Program-wide, all production quota vacancies for which the individual is qualified must be filled. If quotas are not filled, the individual will be voluntarily transferred to the existing vacancy. Individuals not agreeable to such transfers will be disenrolled from the Air Force ROTC.

(3) Enrollments in Category V must be voluntary. Non-volunteers will be disenrolled unless they can be enrolled against an existing vacancy in another category.

§ 862.10 *Additional requirements for enrollment in advanced course.* (a) Each cadet accepted for enrollment in the advanced course:

(1) Must have completed the basic course or must have received credit for it as prescribed in § 862.14.

(2) Must meet prescribed physical requirements.

(3) Must successfully complete such general survey or screening tests as may be prescribed for entrance into each of the categories.

(4) Must sign a deferment agreement. The Professor of Air Science must make certain that cadets understand that the language in the deferment agreement and the category agreement does not conflict. Rather, the former quotes a statute and the latter a contractual agreement.

(b) Persons eliminated from an aviation cadet pilot training class of the Air Force or Navy for flying deficiency may not enroll in Category I (pilot). If recommended by the authority eliminating them, however, the Professor of Air

Science may enroll these persons as cadets in Category IA (navigator) or other categories; similarly, he may enroll persons eliminated from an aviation cadet navigator training class of the Air Force as cadets in Category I (pilot) or other categories, if they have been recommended by the authority that eliminated them. The Commandant, Air Force ROTC will not appoint such cadets until after the date of graduation of the class from which they were eliminated.

(c) Graduate students may be enrolled in the advanced course provided that:

(1) Their selection is within quotas.
(2) Selection is in competition with undergraduate students.

(3) They have completed the basic course or have received credit for it as prescribed in § 862.14.

(d) Priority consideration should be given to Civil Air Patrol members holding Civil Air Patrol certificates of proficiency.

(e) Students who are conscientious objectors will not be enrolled in the advanced course. If a student has been a conscientious objector, he must furnish an affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to the United States.

§ 862.11 *Waivers for enrollment in advanced course.* Waivers to permit enrollment of cadets in the advanced course are discouraged.

§ 862.12 *Conditional enrollment in advanced course.* Conditional enrollment enables the Professor of Air Science to accept, tentatively, a cadet in the advanced course pending determination of his eligibility or notification of enrollment quotas.

(a) The Commandant, Air Force ROTC, will prescribe specific policy governing conditional enrollment of cadets. Before conditional enrollment, each cadet will sign the following:

I understand and agree that no rights or benefits will be made available to me, or in my behalf, unless and until it is determined by proper authority that I am fully qualified and selected for enrollment in the advanced course of the Air Force ROTC; that, upon such determination being made by proper authority, I will be entitled to receive all rights and benefits I would have earned and accrued but for the conditional nature of my enrollment from the date upon which I began work of the advanced course under the terms of this agreement. I further understand and agree that, if I am found to be not fully qualified and selected for such enrollment, I will be considered as not having been an advanced course cadet and will not be entitled to any rights or benefits under the terms of this agreement.

(b) Cadets accepted for conditional enrollment are authorized deferment as outlined in §§ 862.76 to 862.83.

§ 862.13 *Pursuing students.* (a) Students, including citizens of friendly foreign nations, who for any reason cannot be enrolled or conditionally enrolled in the Air Force ROTC program, may be authorized by institutional authorities and the Professor of Air Science to pursue either the basic or advanced course.

Such students are not entitled to commutation of subsistence or Government uniforms or uniform allowances, but they may purchase the required Air Force ROTC uniforms at their own expense for wear while attending the Air Force ROTC course of instruction. They may use available arms and equipment issued for instructional purposes, but such equipment will not be procured solely for their benefit.

(b) Pursuing students (except those indicated in paragraph (e) of this section) will be required to sign the following statement:

I, _____ (name) _____, do hereby agree and understand that as a pursuing student, I am not a member of the Air Force ROTC; that notwithstanding the fact that I am permitted to pursue the Air Force ROTC course for academic credit, I am not qualified for, nor will the Air Force tender me, a commission as a Reserve of the Air Force based upon my successful completion of the institutional phase of the advanced course, nor will I be permitted to attend the summer training.

(c) Category I and IA cadets who have been discharged from enrollment in the advanced course for failure to maintain physical standards for these categories may be permitted to pursue the rest of the course for academic credit only; they will sign the statement in paragraph (b) of this section, if they elect to continue as pursuing students.

(d) Female students are not eligible for enrollment in the Air Force ROTC; however, they may be permitted to pursue the Air Force ROTC course of instruction for academic credit only.

(e) At certain selected institutions, qualified female students who are pursuing the advanced course and who desire appointments as second lieutenants, Reserve of the Air Force upon graduation, may apply for and be enlisted as Reserves of the Air Force during their junior year.

§ 862.14 *Credit for previous military training.* (a) An Air Force ROTC cadet who transfers to another institution where an Air Force ROTC unit is also maintained will be given credit for that part of the Air Force ROTC course which he successfully completed at the losing institution, as evidenced by his Air Force ROTC cadet record form.

(b) On the basis of previous honorable active service (other than six-months active duty for training) in the Air Force, Army, Navy, Marine Corps, or Coast Guard, a cadet may request a waiver of the basic course or any portion thereof, required for entrance into the advanced course. The Professor of Air Science may then waive so much of the basic course as he considers equivalent to the active service training. To provide the Professor of Air Science with a broader basis upon which to evaluate veterans who apply for the advanced course, each veteran entering an institution at freshman or sophomore level who desires a commission through Air Force ROTC should be encouraged by the Professor of Air Science to take in phase with non-veteran contemporaries the remaining portion of the basic program.

(c) The Professor of Air Science may waive on a year-for-year basis so much of the Air Force ROTC program as he considers equivalent to previous training at the United States Air Force Academy, United States Military Academy, United States Naval Academy, United States Coast Guard Academy, or in the Senior Division of the Army ROTC or Naval ROTC for students eligible and accepted for enrollment.

(d) Advanced standing will not be granted for training received:

(1) Prior to the student's 14th birthday;

(2) As a member of the Civil Air Patrol;

(3) As a member of a Reserve component of any of the Armed Forces of the United States when not in the active military service;

(4) At an institution where no commissioned officer of the active military forces is detailed by orders of the appropriate department as Professor of Military Science and Tactics, Professor of Naval Science, or Professor of Air Science;

(5) As a member of the Junior Division, Army ROTC.

§ 862.15 *Concurrent membership in a reserve component.* Present and former commissioned officers of any component of the Army, Navy, Air Force, Marine Corps, or Coast Guard, and officers or former officers of the Public Health Service may not be enrolled in Air Force ROTC. In addition, members of any component of the armed forces who are serving on extended active duty, may not be enrolled in Air Force ROTC.

§ 862.16 *Enrollment of reservists not on extended active duty.* Air Force reservists may be enrolled in either basic or advanced Air Force ROTC. Reservists of other armed services and members of the Air National Guard of the United States may be enrolled in basic Air Force ROTC and need not be transferred to the Air Force Reserve solely because of such enrollment; however, they must be transferred to the Air Force Reserve before they may be formally enrolled in advanced Air Force ROTC.

§ 862.17 *Assignment of Air Force Reservists enrolled in Air Force ROTC.* The Professor of Air Science will furnish a statement to the unit of assignment of each Air Force reservist, showing satisfactory participation in the Air Force ROTC program at the end of each calendar year during enrollment; if the reservist has dropped from enrollment, the PAS will notify the Commander of the unit of reserve assignment immediately. Air Force reservists enrolled in Air Force ROTC are assigned as follows:

(a) *Basic Air Force ROTC.* Air Force reservists enrolled in basic Air Force ROTC may be assigned to any program element.

(b) *Advanced Air Force ROTC.* Air Force Reservists enrolled in the advanced course Air Force ROTC may not be assigned to Ready reserve mobilization positions. They will instead be assigned to the Non-affiliated Reserve Section (NARS), Ineligible Reserve Section (IRS), or to the Inactive Status List

Reserve Section (ISLRS); furthermore, they will not be selectively assigned to mobilization positions. An Air Force reservist assigned to a program element other than NARS, IRS, or ISLRS, or who is selectively assigned, may be conditionally enrolled, pending release from such assignment, and the Professor of Air Science will submit a request for the termination of such assignment to the reservist's unit of reserve assignment.

§ 862.18 *Compression, curtailment, or concurrent pursuit of courses.* By law, the basic course may not be compressed or curtailed into less than 2 academic years. The combined basic and advanced courses are expected to cover 4 full academic years. However, the Commandant, Air Force ROTC, may permit reduction of the entire institutional phase through concurrent enrollment in both basic and advanced courses or similar advanced course compression, under the following circumstances:

(a) For cadets enrolled in an academic program involving less than 4 years of resident study for the degree.

(b) For cadets with outstanding leadership qualities who would otherwise be unable to complete the entire Air Force ROTC course of study prior to the award of a degree.

§ 862.19 *Transfer of Air Force ROTC cadets.* Inter-service transfer of Air Force ROTC cadets is authorized.

§ 862.20 *Discharge.*—(a) *From basic course.* With the concurrence of the institutional authorities, the Professor of Air Science may discharge a basic cadet from the Air Force ROTC. Such a discharge relieves the institution of its obligation to require the cadet concerned to complete the basic course as a prerequisite for graduation.

(b) *From advanced course.* (1) The Professor of Air Science may discharge a cadet from the advanced course. Each such discharge, except those which are directed by Headquarters USAF must receive the concurrence of the head of the institution or his designated representative. All discharges will be for the "convenience of the Government," and a refund of commutation of subsistence paid a cadet will not be required. Cause for discharge will result from any of the following:

(i) A cadet who, for any reason, is unable to continue regular enrollment in the institution, will be discharged from the advanced course. Such cadet may be considered for reenrollment by the PAS upon his return to an institution having an Air Force ROTC unit in accordance with policies prescribed by the Commandant, Air Force ROTC.

(ii) A cadet who fails to remain medically qualified for commission will be discharged from the advanced course.

(iii) A cadet who, under competitive criteria, falls below acceptable retention standards will be discharged from the advanced course. Such cadet may be considered for reenrollment by the PAS in accordance with policies prescribed by the Commandant, Air Force ROTC.

(iv) A cadet who requests release from his advanced course agreement, for reasons considered justifiable, may be

discharged from the advanced course. Such cadet, upon his request, may be considered for reenrollment by the PAS in accordance with policies prescribed by the Commandant, Air Force ROTC.

(v) Cadets eliminated from the Air Force ROTC Flight Instruction Program.

(vi) The PAS may discharge a cadet because of inaptitude, indifference to training, incompatibility, evading the terms of his advanced course agreement, for disciplinary reasons, or for reasons involving undesirable traits of character. A cadet so discharged will not be reenrolled in the advanced course.

(2) The PAS will establish such board or boards as required to consider the cases of cadets recommended for discharge for reasons stated in subparagraph (1) (iii), (iv), (v), and (vi) of this paragraph. The board will be composed of at least three Air Force officers. The institution will be invited to provide a representative for board membership.

(c) *With prejudice.* A cadet may be discharged "with prejudice," subject to approval of the head of the institution and the Commandant, Air Force ROTC, for any cause cited in § 862.20 (b) (1) (vi), if he willfully promotes or has promoted such cause, or when his conduct is or has been such as to otherwise bring dishonor on the Corps and on himself. A cadet discharged "with prejudice" is not eligible for enrollment in an Air Force officer procurement program or for appointment in any component of the Air Force.

§ 862.21 *Appointment as Reserves of the Air Force.* A member of the advanced course, Air Force ROTC, accrues no vested right to commission in any component of the Air Force by virtue of such membership. If otherwise qualified, Air Force ROTC graduates will be tendered appointments as second lieutenants, Reserve of the Air Force upon successful completion of the military training prescribed by law and regulations and upon being awarded a baccalaureate degree from an accredited educational institution.

§ 862.22 *Application for flying training.* Cadets in Category I and Category IA who fail or refuse to make application for flying training within the established time limit will be discharged from the Air Force ROTC program.

[SEAL] CHARLES M. McDERMOTT,
Colonel, U. S. Air Force, Deputy
Director of Administrative
Services.

[F. R. Doc. 58-6424; Filed, Nov. 13, 1958;
8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

YOSEMITE NATIONAL PARK

By notice of proposed rule making published in the FEDERAL REGISTER on August 12, 1958 (23 F. R. 6184), interested persons were invited by the Super-

intendent of Yosemite National Park, California, to submit written comments, suggestions, or objections on the proposed amendment to special regulations for said Park. Such written comments, suggestions, or objections were required to be filed with the Superintendent of Yosemite National Park, Box 577, Yosemite National Park, California, within thirty days from the publication of the notice in the FEDERAL REGISTER.

No comments, suggestions, or objections having been received in response to the said notice, the following amendment, to become effective upon publication in the FEDERAL REGISTER, is adopted:

Section 20.16, *Yosemite National Park*, is amended to read as follows:

Paragraph (b) *Entrance roads* is deleted, paragraph (c) *Closed roads* is redesignated as paragraph (b) *Closed roads*, subparagraph (3) of said paragraph on *Closed roads* is revised by substituting the word "commercial" for the word "motor," and is redesignated paragraph (c) *Trucking*, and a new paragraph is added, to read as follows:

(g) *Bicycles.* Bicycles are prohibited on all business sidewalks serving concession operations and public facilities, (Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 9th day of October 1958.

JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

[F. R. Doc. 58-6432; Filed, Nov. 13, 1958;
8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amends. 7-5 and 8-10]

[Docket No. 12169]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendments of Parts 2, 6, 7, 8, 9, 10, 11 and 16 of the Commission's rules to reduce separation between assignable frequencies in the 42-50 Mc band, to effect changes in the 25-50 Mc and 150.8-152 Mc bands, and to effect other changes relating to the use of frequencies in the 25-50 Mc band.

The Commission having under consideration the First Report and Order in the above-entitled matter (FCC 57-1393) adopted December 18, 1957; and

It appearing that under the terms of the subject First Report and Order, Part 2 of the Commission's rules was amended as set forth therein, and that Parts 6, 7, 8, 9, 10, 11, and 16 of such rules were amended to conform to the frequency-availability changes indicated therein, the formal codification of such latter changes to be accomplished by subsequent orders of the Commission; and

It further appearing that certain formal changes have already been made in Parts 7 and 8 of the Commission's rules (see Supplemental Order Number Two, Docket 12169, adopted February 14, 1958, Mimeo No. 54803); and

It further appearing that the changes herein ordered relate specifically to the date when all maritime operations on 35 Mc frequencies will terminate; and

It further appearing that the changes herein ordered complete the formal codification of changes to Parts 7 and 8 in connection with Docket 12169 and conform, without any substantive change, to the frequency-availability changes already ordered in the text and tabulations of the First Report and Order above-described, and are, therefore, editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing that authority for the amendments herein ordered is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 6th day of November 1958, that, effective December 17, 1958, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Released: November 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.304: Add a new sentence at the end of the Note following paragraph (c) of this section. As amended, the Note reads as follows:

NOTE: Effective April 1, 1958, no new radio systems will be authorized in the maritime mobile service on the frequencies listed in subparagraphs (1) through (4) of this paragraph. An application requesting initial authority (or equivalent) to operate on one or more of these frequencies in behalf of a particular applicant will be construed as an application for a new radio system. All authorizations for the use of one or more of these frequencies will expire not later than March 31, 1963.

2. Section 7.356: Add a new sentence at the end of the Note following paragraph (d) of this section. As amended, the Note reads as follows:

NOTE: Effective April 1, 1958, no new radio systems will be authorized in the maritime mobile service on the frequencies listed in paragraphs (c) and (d) of this section. An application requesting initial authority (or equivalent) to operate on one or more of these frequencies in behalf of a particular applicant will be construed as an application for a new radio system. All authorizations for the use of one or more of these frequencies will expire not later than March 31, 1963.

3. Section 7.357: Add a new sentence at the end of the Note following this section. As amended, the Note reads as follows:

NOTE: Effective April 1, 1958, no new radio systems will be authorized in the maritime mobile service on frequencies within the 35-38 Mc band. An application requesting initial authority (or equivalent) to operate on one or more of these frequencies in behalf of a particular applicant will be construed as an application for a new radio system. All authorizations for the use of one or more of these frequencies will expire not later than March 31, 1963.

B. Part 8 is amended as follows:

1. Section 8.351: Add a new sentence at the end of the Note following subparagraph (1) of paragraph (b) of this section. As amended, the Note reads as follows:

NOTE: Effective April 1, 1958, no new radio systems will be authorized in the maritime mobile service on the frequencies listed in this paragraph. An application requesting initial authority (or equivalent) to operate on one or more of these frequencies in behalf of a particular applicant will be construed as an application for a new radio system. All authorizations for the use of one or more of these frequencies will expire not later than March 31, 1963.

2. Section 8.356: Add a new sentence at the end of the Note following paragraph (b) of this section. As amended, the Note reads as follows:

NOTE: Effective April 1, 1958, no new radio systems will be authorized in the maritime mobile service on the frequencies listed in subparagraphs (1) through (4) of this paragraph. An application requesting initial authority (or equivalent) to operate on one or more of these frequencies in behalf of a particular applicant will be construed as an application for a new radio system. All authorizations for the use of one or more of these frequencies will expire not later than March 31, 1963.

3. Section 8.361: Add a new sentence at the end of the Note following paragraph (c) of this section. As amended, the Note reads as follows:

NOTE: Effective April 1, 1958, no new radio systems will be authorized in the maritime mobile service on the frequencies listed in this section. An application requesting initial authority (or equivalent) to operate on one or more of these frequencies in behalf of a particular applicant will be construed as an application for a new radio system. All authorizations for the use of one or more of these frequencies will expire not later than March 31, 1963.

[F. R. Doc. 58-9464; Filed, Nov. 13, 1958; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—COLUMBIA NATIONAL WILDLIFE REFUGE, WASHINGTON

FISHING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 7151), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F. R.

8126), I have determined that fishing on designated areas of the Columbia National Wildlife Refuge, Washington, would be consistent with the management of the refuge.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of October 2, 1958 (23 F. R. 7624), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit fishing on the Columbia National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 31, Subpart—Columbia National Wildlife Refuge, Washington, are amended by adding a new § 31.54 reading as follows:

§ 31.54 *Fishing permitted.* Subject to compliance with the provisions of Parts 18 and 21 of this chapter, noncommercial fishing is permitted during the daylight hours on the hereinafter described lands and waters of the Columbia National Wildlife Refuge, Washington, subject to the following conditions, restrictions, and requirements:

(a) *Fishing areas.* The following described areas are open to sport fishing:

Area A. The area of the refuge in T. 17 N., R. 28 and 29 E., Grant County, Washington, is open to fishing during the seasons established by State law.

Area B. Fishing is permitted only during the months of January and February in the areas of the refuge in T. 16 N., R. 27, 28, and 29 E., Adams and Grant Counties, Washington, except that fishing in Royal Lake is permitted only from the north shore thereof.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Use of boats.* The use of boats is permitted only for the purpose of fishing in the waters of the refuge, except Royal Lake. Persons may use one outboard motor not to exceed 7½ horsepower on each such boat. The use of racing craft, hydroplanes, air thrust craft, or inboard motors is prohibited. Boats may be launched and landed only at designated launching areas.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Since the amendment set forth above will relieve restrictions which otherwise would preclude fishing on the Columbia National Wildlife Refuge, the rule is exempt from the 30-day advance publication requirement imposed by section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c). Accordingly, the foregoing amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Dated: November 7, 1958.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

[F. R. Doc. 58-9426; Filed, Nov. 13, 1958; 8:46 a. m.]

PART 31—PACIFIC REGION

SUBPART—FORT PECK GAME RANGE,
MONTANA

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F. R. 8126), I have determined that the hunting of elk on designated lands of the Fort Peck Game Range, Montana, will contribute to the maintenance of the elk herd within the forage capacity of the range and that such action would be consistent with the management of the range.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of October 10, 1958 (23 F. R. 7858), the pub-

lic was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of elk on the Fort Peck Game Range by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 31, Subpart—Fort Peck Game Range, Montana, are amended by adding a new § 31.128 reading as follows:

§ 31.128 *Elk hunting permitted.* Subject to compliance with the provisions of Parts 18 and 20 of this chapter and §§ 31.123, 31.124, and 31.125, elk may be taken by hunting during the period November 15 to 30, 1958, inclusive, in that part of the Fort Peck Game Range north of Fort Peck Reservoir between

Pines Point Road on the east and Killed Woman Creek on the west, said area being in Valley and Phillips Counties, Montana.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715)

Since the amendment set forth above will relieve restrictions which otherwise would preclude the hunting of elk on the Fort Peck Game Range, the rule is exempt from the 30-day advance publication requirement imposed by section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c). Accordingly, the foregoing amendment shall become effective at the beginning of the Montana State elk hunting season on November 15, 1958.

Dated: November 7, 1958.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

[F. R. Doc. 58-9425; Filed, Nov. 13, 1958;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR LEMONS¹

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Lemons pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than January 1, 1959.

The proposed standards are as follows:

GRADES	
Sec.	
51.2795	U. S. No. 1.
51.2796	U. S. Combination.
51.2797	U. S. No. 2.
UNCLASSIFIED	
51.2798	Unclassified.
TOLERANCES	
51.2799	Tolerances.
JUICE CONTENT	
51.2800	Juice content.

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

APPLICATION OF TOLERANCES

Sec.	
51.2801	Application of tolerances.
STANDARD PACK	
51.2802	Standard pack.
STANDARD SIZING AND FILL	
51.2803	Standard sizing and fill.
CONDITION STANDARDS FOR EXPORT	
51.2804	Condition standards for export.
DEFINITIONS	
51.2805	Firm.
51.2806	Reasonably well formed.
51.2807	Well formed.
51.2808	Reasonably smooth.
51.2809	Smooth.
51.2810	Contact spot.
51.2811	Internal evidence of Alternaria development.
51.2812	Membranous stain.
51.2813	Damage.
51.2814	Fairly well colored.
51.2815	Well colored.
51.2816	Fairly firm.
51.2817	Fairly well formed.
51.2818	Fairly smooth.
51.2819	Serious damage.

AUTHORITY: §§ 51.2795 to 51.2819 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2795 *U. S. No. 1.* "U. S. No. 1" consists of lemons which are firm, reasonably well formed (unless specified as well formed), reasonably smooth (unless specified as smooth), which have stems which are properly clipped, and which are free from decay, contact spot, internal evidence of Alternaria development, unhealed broken skins, hard or dry skins, exanthema, growth cracks, internal decline (endoxerosis), red blotch, membranous stain or other internal discoloration, and free from damage caused by bruises, dryness or mushy condition, scars, oil spots, scale, sunburn, hollow core, peteca, scab, melanose, dirt or other

foreign material, other disease, insects or mechanical or other means.

(a) *Color.* The lemons shall be fairly well colored (unless specified as well colored): *Provided*, That any lot of lemons which meets all the requirements of this grade except those relating to color may be designated as "U. S. No. 1 Green" if the lemons are of a full green color, or as "U. S. No. 1 Mixed Color" if the lemons fail to meet the color requirements of either "U. S. No. 1" or "U. S. No. 1 Green". (See § 51.2799.)

(b) Lemons shall have the juice content specified in § 51.2800.

§ 51.2796 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 lemons: *Provided*, That at least 40 percent, by count, of the lemons meet the requirements of U. S. No. 1 grade.

(a) *Color.* The lemons shall be fairly well colored (unless specified as well colored): *Provided*, That any lot of lemons which meets all the requirements of this grade except those relating to color may be designated as "U. S. Combination Green" if the lemons are of a full green color, or as "U. S. Combination Mixed Color" if the lemons fail to meet the color requirements of either "U. S. Combination" or "U. S. Combination Green". (See § 51.2799.)

(b) Lemons shall have the juice content specified in § 51.2800.

§ 51.2797 *U. S. No. 2.* "U. S. No. 2" consists of lemons which are fairly firm, which are fairly well formed, and fairly smooth, which have stems which are properly clipped and which are free from decay, contact spot, internal evidence of Alternaria development, unhealed broken skins, hard or dry skins, exanthema, internal decline (endoxerosis), and red blotch, and free from serious damage caused by bruises, mem-

PROPOSED RULE MAKING

branous stain or other internal discoloration, dryness or mushy condition, scars, oil spots, scale, sunburn, hollow core, peteca, growth cracks, scab, melanose, dirt or other foreign material, other disease, insects or mechanical or other means.

(a) *Color.* The lemons shall be fairly well colored (unless specified as well colored): *Provided*, That any lot of lemons which meets all of the above requirements of this grade except those relating to color may be designated as "U. S. No. 2 Green" if the lemons are of a full green color, or as "U. S. No. 2 Mixed Color" if the lemons fail to meet the color requirements of either "U. S. No. 2" or "U. S. No. 2 Green". (See § 51.2799.)

(b) Lemons shall have the juice content specified in § 51.2800.

UNCLASSIFIED

§ 51.2798 *Unclassified.* "Unclassified" consists of lemons which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.2799 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U. S. No. 1 grade—(1) For defects.* Not more than 10 percent of the lemons in any lot may fail to meet the requirements of this grade, but not more than one-half of this tolerance, or 5 percent shall be allowed for decay, contact spot, internal evidence of Alternaria development, internal decline (endoxerosis), unhealed broken skins, growth cracks and other defects causing serious damage, including not more than one-tenth of this latter amount, or one-half of 1 percent, for lemons affected by decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for lemons affected by decay en route or at destination.

(2) *For color.* Not more than 10 percent of the lemons in any lot may fail to meet the requirements relating to color.

(b) *U. S. No. 2 and U. S. Combination grades—(1) For defects.* Not more than 10 percent of the lemons in any lot may fail to meet the requirements of the U. S. No. 2 grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for decay, contact spot, internal evidence of Alternaria development, and internal decline (endoxerosis), including not more than one-fifth of this latter amount, or 1 percent, for lemons affected by decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for lemons affected by decay en route or at destination.

(2) *For color.* Not more than 10 percent of the lemons in any lot may fail to meet the requirements relating to color.

(3) When applying the tolerance for the U. S. Combination grade individual packages may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the required percentage.

JUICE CONTENT

§ 51.2800 *Juice content.* Lemons shall have a juice content of not less than 28 percent, by volume, except when designated as "U. S. No. 1 Green for Export", "U. S. Combination Green for Export" or "U. S. No. 2 Green for Export". When so designated, the lemons shall have a juice content of not less than 25 percent, by volume.

APPLICATION OF TOLERANCES

§ 51.2801 *Application of tolerances.* (a) Except when applying the tolerances for "Condition Standards for Export," the contents of individual package in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed lemon may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one lemon which is seriously damaged by dryness or mushy condition may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed lemon.

STANDARD PACK

§ 51.2802 *Standard pack.* (a) Lemons shall be fairly uniform in size and shall be packed in boxes or cartons and arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When lemons are packed in standard nailed boxes, each box shall have a minimum bulge of 1¼ inches; when packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that when lemons are packed for 150 carton count or smaller size, or equivalent sizes when packed in other containers, not less than 90 percent, by count, of the lemons in any container shall be within a diameter range of four-sixteenths inch; when packed for sizes larger than 150 carton count, or equivalent sizes packed in other containers, not

less than 90 percent, by count, of the lemons in any container shall be within a diameter range of six-sixteenths inch.

(1) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(d) In order to allow for variations incident to proper packing the following tolerances are provided:

(1) 10 percent for wrapped fruit in any container which fails to meet the requirement pertaining to wrapping; and,

(2) 5 percent for containers in any lot which fail to meet the requirements for standard pack.

STANDARD SIZING AND FILL

§ 51.2803 *Standard sizing and fill.*

(a) Boxes or cartons in which lemons are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing and fill: *Provided*, That the lemons in the containers are fairly uniform in size as defined in § 51.2802: *And provided further*, That the contents have been properly shaken down and the container is at least level full at time of packing.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing and fill.

CONDITION STANDARDS FOR EXPORT

§ 51.2804 *Condition standards for export.* (a) Not more than a total of 10 percent, by count, of the lemons in any container may be soft, affected by decay or contact spot, or have broken skins which are not healed, growth cracks, black, loose or missing buttons, internal evidence of Alternaria development, internal decline (endoxerosis), or serious damage by membranous stain or other internal discoloration, or dryness or mushy condition, except that not more than the following percentages of the defects enumerated shall be allowed:

- (1) One-half of 1 percent for decay;
- (2) 3 percent for contact spot;
- (3) 3 percent for broken skins which are not healed;
- (4) 3 percent for growth cracks;
- (5) 3 percent for internal evidence of Alternaria development;
- (6) 3 percent for internal decline (endoxerosis);
- (7) 5 percent for soft;
- (8) 5 percent for black, loose or missing buttons;
- (9) 5 percent for serious damage by membranous stain or other internal discoloration; and,
- (10) 5 percent for serious damage by dryness or mushy condition.

(b) Any lot of lemons shall be considered as meeting the condition standards for export if not more than a total of 10 percent, by count, of the lemons in any container have defects enumerated in the condition standards for export: *Provided*, That no sample shall have more than double the percentage specified for any one of the defects enumerated.

DEFINITIONS

§ 15.2805 *Firm*. "Firm" means that the fruit does not yield more than slightly to moderate pressure.

§ 15.2806 *Reasonably well formed*. "Reasonably well formed" means that the fruit shows normal characteristic lemon shape and is not globe shaped or materially flattened on one side. Lemons having grooves at the stylar end or having slightly thickened necks at the stem end shall be considered as fairly well formed unless the appearance is materially affected.

§ 15.2807 *Well formed*. "Well formed" means that the fruit is typically normal in shape with well centered stem and stylar ends.

§ 15.2808 *Reasonably smooth*. "Reasonably smooth" means that the appearance of the lemon is not materially affected by protrusions or lumpiness of the skin or by grooves or furrows. Course pebbling is an indication of good keeping quality and is not objectionable.

§ 15.2809 *Smooth*. "Smooth" means that the skin is of fairly fine grain and that there are no more than slight furrows radiating from the stem end.

§ 15.2810 *Contact spot*. "Contact spot" means an area on the lemon which bears evidence of having been in contact with decay or mold.

§ 15.2811 *Internal evidence of Alternaria development*. "Internal evidence of Alternaria development" includes red or brown staining of the tissue under the button in the core, or in the fibro-vascular bundles.

§ 15.2812 *Membranous stain*. "Membranous stain" is a brown or dark discoloration of the walls of the fruit segment.

§ 15.2813 *Damage*. "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition when affecting all segments of the fruit more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(2) Scars which are dark, rough or deep and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(3) Scars which are fairly light in color, slightly rough, or with slight

depth and which have an aggregate area exceeding that of a circle 1 inch in diameter; and,

(4) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 20 percent of the fruit surface;

(c) Oil spots (Oleocellosis or similar injuries) which are more than slightly depressed, soft, or which have an aggregate area exceeding that of a circle one-half inch in diameter;

(d) Scale when more than ten medium to large California red or purple scale adjacent to button at stem end or scattered over the fruit or any scale which affects the appearance of the fruit to a greater extent;

(e) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area or affects more than 25 percent of the fruit surface;

(f) Hollow core which causes the fruit to feel distinctly spongy; and,

(g) Peteca when more than two spots or when having an aggregate area exceeding that of a circle one-fourth inch in diameter.

§ 15.2814 *Fairly well colored*. "Fairly well colored" means that the area of yellow color exceeds the area of green color on the fruit.

§ 15.2815 *Well colored*. "Well colored" means that the fruit is yellow in color with not more than a trace of green color. Fruit of a decided bronze color shall not be considered well colored.

§ 15.2816 *Fairly firm*. "Fairly firm" means that the fruit may yield to moderate pressure but is not soft.

§ 15.2817 *Fairly well formed*. "Fairly well formed" means that the fruit is not decidedly flattened, does not have a very long or large neck and is not otherwise decidedly misshapen.

§ 15.2818 *Fairly smooth*. "Fairly smooth" means that the skin is not badly folded, badly ridged, or very decidedly lumpy.

§ 15.2819 *Serious damage*. "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Membranous stain, or other internal discoloration which seriously affects the appearance of the cut fruit;

(b) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Scars (including sprayburn and fumigation injury) which exceed the following aggregate area of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area of more than 5 percent of the fruit surface;

(2) Scars which are dark, rough or deep, and which have an aggregate area of more than 10 percent of the fruit surface;

(3) Scars which are fairly light in color, slightly rough or of slight depth, and which have an aggregate area of more than 25 percent of the fruit surface; and,

(4) Scars which are light in color, fairly smooth, with no depth, and which have an aggregate area of more than 50 percent of the fruit surface;

(d) Oil spots (Oleocellosis or similar injuries) which are soft, or which have an aggregate area exceeding that of a circle 1 inch in diameter;

(e) Scale when California red or purple scale is concentrated as a ring or blotch, or more than thinly scattered over the fruit surface, or any scale which affects the appearance of the fruit to a greater extent;

(f) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than one-third of the fruit surface;

(g) Hollow core which causes the fruit to feel excessively spongy;

(h) Peteca when more than five small spots, or when having an aggregate area exceeding that of a circle three-fourths inch in diameter;

(i) Growth cracks that are leaking, gummy or not well healed.

Dated: November 7, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-9438; Filed, Nov. 13, 1958;
8:49 a.m.]

[7 CFR Part 201]

FEDERAL SEED ACT REGULATIONS

NOTICE OF PROPOSED RULE MAKING AND
PUBLIC HEARING ON PROPOSED AMEND-
MENTS

Pursuant to the provisions of section 402 of the Federal Seed Act approved August 9, 1939, as amended (7 U. S. C. 1592; Pub. Law 85-581) and section 4 of the Administrative Procedure Act (5 U. S. C. 1003), notice is hereby given of intention to promulgate the following amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act. Public hearing with reference thereto will be held in Room 426, Old U. S. Custom House, 815 Olive Street, St. Louis, Missouri, beginning at 10:00 a. m., December 8 and 9, 1958.

Interested persons are invited to attend this hearing and to offer comments or suggestions with reference to the proposals. Any comments or suggestions bearing on the proposals which cannot be made or presented in person at the hearing may be transmitted by mail addressed to the Seed Branch, Grain Division, Agricultural Marketing Service, United States Department of Agriculture.

ture, Washington 25, D. C., and will be considered if received on or before the 10th day of January 1959.

Mr. W. A. Davidson, Seed Branch, Grain Division, Agricultural Marketing Service, is hereby designated as the presiding officer who shall conduct the hearing, with power to do all things necessary and appropriate to the proper conduct of the hearing. In case this designee is unable to conduct the hearing any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is hereby authorized to conduct such hearing.

It is not intended to make the amendments changing the list of agricultural seeds and making related changes effective prior to July 1, 1959.

The proposed amendments are as follows:

1. Amend § 201.2 as follows:

a. In paragraph (h) in the line beginning with the words, "Beet, field" delete "excluding sugar beet" so that the line will read "Beet, field—*Beta vulgaris* L."

b. In paragraph (h) delete "Sorghum alnum—*Sorghum alnum* Parodi", "Rye-grass or", and "Oat—*Avena* spp."

c. In paragraph (h) insert in alphabetical order the following:

Beet, sugar—*Beta vulgaris* L.
Mustard—*Brassica juncea* (L.) Coss.
Oat—*Avena byzantina* C. Koch., *A. sativa* L., *A. nuda* L.
Tobacco—*Nicotiana glauca* L.
Sorghum—*Sorghum alnum* Parodi, *Sorghum alnum* Johnsongrass × sorghum cross or a Johnsongrass × Sudan grass cross, including sorghum alnum.

d. Change paragraph (i) to read:

(1) (1) *Complete record.* The term "complete record" means information which relates to the origin, germination, and purity (including variety) of each lot of agricultural seed transported or delivered for transportation in interstate commerce, or which relates to the germination and variety of each lot of vegetable seed transported or delivered for transportation in interstate commerce. Such information includes declarations, labels, seed samples, and records of purchases, sales, cleaning, bulking, handling, storage, analyses, tests, and examinations.

(2) The complete record kept by each person for each lot of seed consists of the information pertaining to his own transactions and the information received from others pertaining to their transactions with respect to each lot of seed.

e. Delete paragraphs (q) and (x).

2. Amend the heading preceding § 201.4 to read "Records for Agricultural and Vegetable Seeds" and § 201.4 to read:

§ 201.4 *Maintenance and accessibility.* (a) Each person transporting or delivering for transportation in interstate commerce agricultural or vegetable seed subject to the act shall keep for a period of three years a complete record of each lot of such seed so transported or delivered, except that any seed sample may be discarded one year after the entire lot represented by such sample has been disposed of by such person. Each per-

son shall so retain a sample representing each lot of agricultural and vegetable seeds shipped by him in interstate commerce and shall so retain such additional samples as are required by the regulations in this part.

(b) Each sample of agricultural seed retained shall be at least the weight required for a noxious-weed seed examination as set forth in § 201.46 and each sample of vegetable seed retained shall consist of at least 400 seeds. The record shall be kept in such manner as to permit comparison with the records kept by other persons for the same lot of seed so that the origin, germination and purity (including variety) of agricultural seed and the germination and variety of vegetable seed may be traced from the grower to the ultimate consumer and so that the lot of seed may be correctly labeled. The record shall be accessible for inspection by the authorized agents of the Secretary for purposes of the effective administration of the act at any time during customary business hours.

3. Amend § 201.7 as follows:

a. In the section heading, after the word "Purity", add the phrase "(Including Variety)".

b. In paragraph (b) after the second reference to the word "type" insert the words "or an invoice, or other document establishing the kind, variety, or type to be that stated."

4. In § 201.8 delete the third sentence and amend the first sentence to read: "The label shall contain the required information in any form that is clearly legible and complies with the regulations in this part."

5. Amend § 201.13 by adding the following: "The approximate quantity of seed in a lot shall be known and indicated in the records at the time a lot designation is assigned. The quantity shall not be added to by subsequent receipts or subsequent processing of additional quantities unless a new lot number is assigned, nor shall it be divided into smaller portions with new lot numbers unless such portions are different than the balance of the original lot."

6. Amend § 201.20 to read as follows:

§ 201.20 *Germination.* The label shall show the percentage of germination for each kind or kind and variety or kind and type of agricultural seed present in excess of 5 percent or shown in the labeling to be present in a proportion of 5 percent or less: *Provided*, That this shall not apply to freshly harvested Kentucky bluegrass or sugar beet seed transported or delivered for transportation during the months of July, August, and September for seeding during the year in which the seed is produced.

7. Amend § 201.21 to read as follows:

§ 201.21 *Hard seed.* The label shall show the percentage of hard seed, if any is present, for any seed required to be labeled as to the percentage of germination, and the percentage of hard seed shall not be included as part of the germination percentage.

8. Amend § 201.26 as follows:

a. Change the first sentence to read "The label shall bear the name of each

kind and variety present as determined in accordance with § 201.34."

b. Insert after the first sentence the following: "If two or more kinds or varieties are present the percentage of each shall be shown."

9. Amend the first and second sentences in § 201.30 to read, respectively, as follows: "Each variety of vegetable seed which has a germination percentage less than the standard set forth in § 201.31 shall have the words 'Below Standard' clearly shown in a conspicuous place on the label or on the face of the container in type no smaller than 8 point. Each variety of vegetable seed which germinates less than the standard shall also be labeled to show the percentage of germination and the percentage of any hard seed present and the month and year in which the germination test was completed."

10. Immediately preceding § 201.32 insert a new § 201.31a as follows:

§ 201.31a *Labeling treated seed.* (a) *Contents of label.* Any agricultural seed or any mixture thereof or any vegetable seed or any mixture thereof, for seeding purposes, that has been treated shall be labeled in type no smaller than 8 point to indicate that the seed has been treated and to show the name of any substance or a description of any process (other than application of a substance) used in such treatment, in accordance with this section; for example,

Treated with _____
(Name of substance or process)
or _____ treated.
(Name of substance or process)

If the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals, the seed shall also bear a label containing additional statements as required by paragraphs (c) and (d) of this paragraph. The label shall contain the required information in any form that is clearly legible and complies with the regulations in this part. The information may be on the tag bearing the analysis information or on a separate tag, or it may be printed in a conspicuous manner on a side or top of the container.

(b) *Name of substance.* The name of any substance as required by paragraph (a) of this section shall be the commonly accepted coined, chemical (generic), or abbreviated chemical name. Commonly accepted coined names are those available for use by any manufacturer and generally recognized as names of particular substances, such as thiram, captan, lindane and dichloro. Examples of commonly accepted chemical (generic) names are: bluestone, calcium carbonate, cuprous oxide, cycloheximide, hexachlorobenzene, and ethyl mercury acetate. The terms "mercury" or "mercurial" may be used in labeling all types of mercurials. Examples of commonly accepted abbreviated chemical names are: BHC (benzene hexachloride) and DDT (dichloro diphenyl trichloroethane).

(c) *Mercurials and similarly toxic substances.* (1) Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a representation

of a skull and crossbones at least twice the size of the largest type used for information required to be on the label under section 201 (a) or (b) of the act and shall also include in red letters on a background of distinctly contrasting color a statement worded substantially as follows: "This seed has been treated with Poison," "Treated with Poison," "Poison treated," or "Poison". The word "Poison" shall appear in type no less than 8 point.

(2) Mercurials and similarly toxic substances include the following:

Aldrin, technical.
Chlordane.
Demeton.
Dieldrin.
Endrin.
Heptachlor.
O,O-diethyl S-(ethylthiomethyl) phosphorodithiolate (Trade name—Thimet).
O,O-diethyl S-2-(ethylthio) ethyl phosphorodithiolate (Trade name—Di-syston).
Phenyl amino cadmium dilactate.
Mercurials (all types):
Ethyl mercury acetate N-ethylmercuri-1,2,3,6-tetrahydro-3,6,-endomethano-3,4,5,6,7,7-hexachlorophthalimide.
Ethyl mercury chloride.
Ethyl mercury 2,3-dihydroxy propyl mercaptide.
Ethyl mercury perthiocyanate.
Ethyl mercury phosphate.
Ethyl mercury p-toluene sulfonamide.
Ethyl propyl mercury bromide.
Hydroxymercuric cresol.
Hydroxymercurichlorophenol.
Hydroxymercurinitrophenol.
Mercuric chloride; corrosive sublimate.
Mercurous chloride; calomel.
Mercuric oxide.
Methyl mercury diocyanide.
Methyl mercury hydroxide.
Methyl mercury nitrate.
2-methoxy ethyl mercury acetate.
Mercury-zinc-chromate.
Phenyl mercury acetate.
Phenyl mercury ammonium acetate.
Phenyl mercury chloride.
Phenyl mercury ethylene diamine acetate.
Phenyl mercury formamide.
Phenyl mercury salicylate.
Phenyl mercury urea.
Sodium ethyl mercury salicylate.

Any amount of such substances remaining with the seed is considered harmful within the meaning of this section.

(d) Other harmful substances. If a substance, other than one within paragraph (c), of this section is used in the treatment of seed, and the amount remaining with the seed is harmful to humans or other vertebrate animals, the seed shall be labeled with an appropriate caution statement in type no smaller than 8 point worded substantially as follows: "Do not use for food," "Do not use for feed," "Do not use for oil purposes," or "Do not use for food, feed, or oil purposes." Any amount of the following substances remaining with the seed is considered harmful within the meaning of this section:

Benzene hexachloride; BHC.
Chloranil.
Cycloheximide.
Dichloro.
Dichloro diphenylhydantoin.
Dichloro diphenyl trichloroethane; DDT.
Ferbam.
Formaldehyde.
Hexachlorobenzene.
Lindane.
Maneb.
Methoxychlor.

Nabam.
Naphthalene.
Paradichlorobenzene.
Pentachloronitrobenzene.
Thiram.
2,4,5-trichlorophenyl acetate.
Toxaphene.
Zinc 2,4,5-trichlorophenylate.
Zineb.
Ziram.

11. Amend § 201.33 to read as follows:

§ 201.33 Seed in bulk or large quantities; seed for cleaning or processing. (a) In the case of seed in bulk, the information required under sections 201 (a), (b), and (i) of the act shall appear in the invoice or other records accompanying and pertaining to such seed. If the seed is in containers and in quantities of 20,000 pounds or more, regardless of the number of lots included, the information required on each container under sections 201 (a), (b), and (i) of the act need not be shown on each container: *Provided*, That: (1) The omission from each container of a label with the required information is with the knowledge and consent of the consignee prior to the transportation or delivery for transportation of such seed in interstate commerce; (2) that each container has stenciled upon it or bears a label containing a lot designation; and (3) that the invoice or other records accompanying and pertaining to such seed bear the various statements required for the respective seeds.

(b) Seed consigned to a seed cleaning or processing establishment, for cleaning or processing for seeding purposes, need not be labeled to show the information required on each container under sections 201 (a), (b), and (i) of the act if it is in bulk, or in containers and in quantities of 20,000 pounds or more regardless of the number of lots involved, and the invoice or other records accompanying and pertaining to such seed show that it is "Seed for processing", or, if the seed is in containers and in quantities less than 20,000 pounds and each container bears a label with the words "Seed for processing." If any such seed is later to be labeled as to origin and/or variety it shall be labeled (on the invoice if the seed is in bulk, otherwise, on a label) as to origin and/or variety, as the case may be, at the time of transportation to such establishment, except that if it is covered by a declaration of origin and/or variety it will be sufficient if the lot designation appearing in the declaration is placed on the invoice if the seed is in bulk, or on a label if the seed is in containers, regardless of the quantity.

12. Amend § 201.34 (b) by adding at the end thereof: ", except that a name which has become synonymous through broad general usage may be substituted therefor, provided the name does not apply to more than one kind and is not misleading."

13. Section 201.34 (d) (3) is amended by adding at the end thereof the sentence "The same variety name shall not be assigned to more than one variety of the same kind of seed."

14. Amend § 201.34 (e) as follows:

a. The subparagraphs (1), (3), (4), and (7) insert in proper alphabetical order

under the headings indicated the following variety names:

In subparagraph (1) Beans:

Choctaw.
Harvester.
Pearlgreen.
White Seeded Contender.

In subparagraph (3) Hybrid onions:

Bronze Perfection.
Golden Beauty.
Spartan.
Yellow Spanish Hybrid P-W 100.

In subparagraph (4) Soybeans:

Blenville.
Roe.

In subparagraph (7) Broomcorn:

Pfeifer Head # 125.

b. In subparagraph (6) following the heading "Sorghum" insert a subheading "(Open-pollinated)" and following the variety name "39-30-S" insert the subheading "Sorghum, hybrid" with the following varieties listed thereunder:

Amak R-10.	RS501.
Amak R-12.	RS590.
C-44A.	RS610.
D-50A.	RS630.
E-56A.	RS650.
F-62A.	S-210.
FS-1.	Texas 601.
RS301F.	Texas 611.
RS302F.	Texas 620.
RS303F.	Texas 660.

15. Amend § 201.46, Table 1, as follows:

a. Under "Agricultural seed" insert in proper alphabetical order "Beet, sugar—Beta vulgaris" and in the three columns respectively with reference thereto insert "50", "300", and "54".

b. Under "Agricultural seed" insert in proper alphabetical order "Sorghum" and in the three columns respectively with reference thereto insert "25", "150", and "150".

c. Insert the footnote "Rhizomatous derivatives of a Johnsongrass × sorghum cross or a Johnsongrass × Sudangrass cross, including sorghum alnum" at an appropriate position in Table 1.

d. Delete the words "Sorghum alnum—Sorghum alnum" and the numerals "25", "150", and "150" with reference thereto in Table 1.

16. Amend § 201.47 by changing the first sentence of paragraph (b) to read: "In the case of other crop seed and weed seed, the seeds of each species shall be separated and identified, when possible."

17. Amend § 201.51, paragraph (b) (5), by inserting the word "completely" immediately before the word "devoid" in the two places in which "devoid" appears in the paragraph.

18. Amend § 201.56-5 by changing paragraphs (a) (1) (ii), (b) (1) (ii), (c) (1) (ii), (d) (1) (ii), and (e) (1) (ii) to read as follows: "Well-developed green leaves, not badly split, regardless of whether the coleoptiles are split."

19. Amend § 201.53 (c), Table 2, as follows:

a. Under "Agricultural seed" insert in proper alphabetical order "Beet, sugar—Beta vulgaris" and in the six columns respectively with reference thereto insert "B. S.", "20-30", "3", "14", "photos 19557, 19558" and "See par. (b) (3)".

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b. Under "Agricultural seed" insert in proper alphabetical order "Sorghum" and in the six columns respectively with reference thereto insert "B. T. S", "15-35", "5", "21", "photos 2413-2416", and "Prechill at 5° or 10° C. for 7 days".

c. Insert the footnote "Rhizomatous derivatives of a Johnsongrass × sorghum cross or a Johnsongrass × Sudangrass cross, including sorghum alium" at an appropriate position in Table 2.

d. Delete the words "Sorghum alium—Sorghum alium" and the information in the six columns with reference thereto in Table 2.

e. Under "Vegetable seed" and following "Okra-Hibiscus esculentus" insert the numeral "1" as a footnote reference, indicating the presence of hard seed.

20. Amend § 201.59 by changing the section reference in the second sentence from "201.61" to "201.63."

21. Amend § 201.65 by inserting the following numbers in proper order in the table appearing at the end of the section:

Number found by analysis:	The following are within tolerance
1	0
3	1
5	2
7	3
10	5
15	9
19	11
26	17

22. Amend the second sentence of § 201.106 to read as follows: "The staining in such case shall be at the expense of the owner or consignee who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of the officers or employees of the United States. Salary shall be reimbursed at the rate of \$4.50 per hour in connection with supervision during normal working hours of the officer or employee and \$5.80 per hour in connection with supervision outside the normal working hours of the officer or employee."

23. Amend § 201.107 as follows:

a. Change the introductory phrase in paragraph (b) to read as follows:

(b) The following agricultural and vegetable seeds are considered weed seeds when occurring in an importation of other agricultural or vegetable seeds unless they are declared in the entry papers for importation as agricultural or vegetable seeds:

b. Delete from the list of agricultural and vegetable seeds in paragraph (b) the following:

Barley, wild—*Hordeum* spp., except *vulgare* L.

Oat, wild—*Avena* spp., except *A. sativa* L. and *A. byzantina* C. Koch.

24. Amend § 201.208 by inserting the phrase "Except as provided in paragraph (b) of this section" at the beginning of the first sentence; by designating as paragraph (a) all of the present provisions in said section; and by adding a new paragraph (b) to read as follows:

(b) It is not ordinarily practical to sample and test small lots in importations of seed. The size of lots not ordinarily sampled is shown in Table 3 in

§ 201.221a. No release will be issued by the U. S. Department of Agriculture for seed not sampled.

25. Amend paragraph (g) of § 201.210 to read as follows:

(g) Sampling shall not proceed unless each container is stenciled or otherwise labeled to show the lot designation and the name of the kind, or kind and variety, appearing on the invoice and other entry papers.

26. Amend § 201.218 by changing the part of the proviso preceding the phrase "collectors of customs" to read: "Provided however, That if each container of such seed or screenings is stenciled or labeled to show the name of the kind, or the kind and variety, and a lot number or other designation identifying the lot of seed."

27. Amend § 201.221 to read as follows:

§ 201.221 Exemptions—(a) Shipments through the United States. Seed shipped in bond through the United States is not subject to the import requirements of the act.

(b) United States seed returned. Seed which has been grown in the United States, exported, and returned from a foreign country, is not subject to the prohibition against the importation of seed that is adulterated or unfit for seeding purposes: *Provided*, That proof in the form of statements or other documents, furnished by the United States importer to the Seed Branch, Agricultural Marketing Service, United States Department of Agriculture, establishes that (1) the seed was grown in the United States and was exported, (2) the seed was not admitted into the commerce of a foreign country, and (3) the seed was not commingled with other seed after being exported. The information required in subparagraph (1) of this paragraph shall include the quantity of seed and number of containers, the date of exportation from the United States, the distinguishing marks on the containers at the time of exportation, and the name and address of the United States exporter. The information required in subparagraphs (2) and (3) of this paragraph shall be contained in a statement or document issued by a customs or other Government official of the foreign country.

(c) Seed for experimental or breeding purposes. Any lot of seed imported for sowing for experimental or breeding purposes and not for sale is not subject to the prohibition against the importation of seed that is adulterated or unfit for seeding purposes: *Provided*, That (1) a declaration is filed by the importer with the Seed Branch, Agricultural Marketing Service, United States Department of Agriculture, as specified in this paragraph, and (2) the quantity of seed in the lot will not exceed that shown in table 3 in § 201.221a for such seed. Seed imported for increase purposes only will not be considered to be imported for experimental or breeding purposes. The declaration required to be filed shall be in substantially the following form:

DECLARATION

SEED FOR EXPERIMENTAL OR BREEDING PURPOSES

The undersigned declares:

That he is a resident of _____

_____; That he is (owner of) (employed State)

by) the firm of _____ (as a _____); That he (is) (represents) the (owner) (consignee) of the _____ pounds of _____

(Kind of seed offered for importation at seed)

(Port of entry) under entry No. _____ and contained in _____ bags or containers marked _____ as described in invoice No. _____ dated _____

That said seed is being imported for making selections, crosses, or tests, or for other experimental or breeding purposes and will not be sold.

Signed _____

Date: _____

§ 201.221a Table 3.

	Weight of seed lot not ordinarily sampled, less than—	Weight of seed lot permitted entry for experimental or breeding purposes, not more than—
	Pounds	Pounds
Vegetable seeds:		
Artichoke	25	50
Asparagus	25	50
Asparagusbean	25	50
Bean	25	200
Bean, lima	25	200
Bean, runner	25	200
Beet	25	50
Broadbean	25	200
Broccoli	5	10
Brussels sprouts	5	10
Cabbage	5	10
Cantaloupe (see Muskmelon)		
Cardoon	25	50
Carrot	5	10
Cauliflower	5	10
Celery	5	10
Celery	5	10
Chard, Swiss	25	50
Chicory	5	10
Chinese cabbage	5	10
Citron	25	50
Collards	5	10
Corn, sweet	25	200
Corn salad	5	10
Cowpea	25	200
Cress, garden	5	10
Cress, water	5	10
Cucumber	25	50
Dandelion	5	10
Eggplant	5	10
Endive	5	10
Kale	5	10
Kale, Chinese	5	10
Kohlrabi	5	10
Leek	5	10
Lettuce	5	10
Muskmelon	25	50
Mustard	5	10
Mustard, spinach	5	10
Okra	25	50
Onion	5	10
Onion, Welsh	5	10
Pak-choi	5	10
Parsley	5	10
Parsnip	5	10
Pea	25	200
Pepper	5	10
Pumpkin	25	50
Radish	5	10
Rhubarb	5	10
Rutabaga	25	50
Salsify	5	10
Sorrel	25	200
Soybean	25	50
Spinach	25	50
Spinach, New Zealand	25	50
Squash	5	10
Squash	5	10
Turnip	5	10
Watermelon	25	50
Agricultural seeds:		
Alfalfa	25	100
Alfalfa	25	100
Alfalfa	25	100

Agricultural seeds—Con.	Weight of seed lot not ordinarily sampled, less than—	Pounds	Weight of seed lot permitted entry for experimental or breeding purposes, not more than—	Pounds	Agricultural seeds—Con.	Weight of seed lot not ordinarily sampled, less than—	Pounds	Weight of seed lot permitted entry for experimental or breeding purposes, not more than—	Pounds
Barley, field	25	100	100	100	Lespedeza, striate	25	100	100	100
Barley, malt	100	500	500	500	Lovegrass, sand	25	100	100	100
Bean, field	100	500	500	500	Lupine, blue	100	500	500	500
Bean, mung	100	500	500	500	Lupine, white	100	500	500	500
Bean (see Velvetbean)	100	500	500	500	Lupine, yellow	100	500	500	500
Beet, field	100	500	500	500	Manisgrass	25	100	100	100
Beet, sugar	100	1,000	1,000	1,000	Meadow foxtail	25	100	100	100
Beggarweed	25	100	100	100	Medick, black	25	100	100	100
Bentgrass or	25	100	100	100	Millet, browntop	25	100	100	100
Bentgrass, colonial	25	100	100	100	Millet, foxtail	25	100	100	100
Bentgrass, creeping	25	100	100	100	Millet, Japanese	25	100	100	100
Bentgrass, velvet	25	100	100	100	Millet, pearl	25	100	100	100
Bermuda-grass	25	100	100	100	Millet, proso	25	100	100	100
Bluegrass, annual	25	100	100	100	Molassesgrass	25	100	100	100
Bluegrass, bulbous	25	100	100	100	Mustard	25	100	100	100
Bluegrass, Canada	25	100	100	100	Mustard, black	25	100	100	100
Bluegrass, Kentucky	25	100	100	100	Mustard, white	25	100	100	100
Bluegrass, rough	25	100	100	100	Napiergrass	25	100	100	100
Bluegrass, Texas	25	100	100	100	Oat	100	500	500	500
Bluegrass, wood	25	100	100	100	Oatgrass, tall	25	100	100	100
Bluestem, big	25	100	100	100	Orchardgrass	25	100	100	100
Bluestem, little	25	100	100	100	Panicgrass	25	100	100	100
Bluestem, sand	25	100	100	100	Peanut	100	500	500	500
Bluestem, yellow	25	100	100	100	Pea, field	100	500	500	500
Brome, field	25	100	100	100	Poa trivialis (see bluegrass, rough)	25	100	100	100
Brome, mountain	25	100	100	100	Rape, annual	25	100	100	100
Brome, smooth	25	100	100	100	Rape, bird	25	100	100	100
Broomcorn	100	500	500	500	Rape, turnip	25	100	100	100
Buckwheat	100	500	500	500	Rape, winter	25	100	100	100
Buffalograss	25	100	100	100	Redtop	25	100	100	100
Buz-clover, California	25	100	100	100	Rescuegrass	25	100	100	100
Buz-clover, spotted	25	100	100	100	Rhodesgrass	25	100	100	100
Burnet, little	25	100	100	100	Rice	100	500	500	500
Butterflyclover	25	100	100	100	Ricegrass, Indian	25	100	100	100
Canarygrass	25	100	100	100	Roughpea	100	500	500	500
Canarygrass, reed	25	100	100	100	Rye	100	500	500	500
Carpetgrass	25	100	100	100	Ryegrass, or	25	100	100	100
Castorbean	100	500	500	500	Ryegrass, Italian	25	100	100	100
Chenopod	25	100	100	100	Ryegrass, perennial	25	100	100	100
Clover, aliske	25	100	100	100	Sainfoin	100	500	500	500
Clover, berseem	25	100	100	100	Scasane	25	100	100	100
Clover, cluster	25	100	100	100	Sesbania	25	100	100	100
Clover, crimson	25	100	100	100	Smilo	25	100	100	100
Clover, large hop	25	100	100	100	Sorghum	100	500	500	500
Clover, small hop (suckling)	25	100	100	100	Sorghum	25	100	100	100
Clover, ladino	25	100	100	100	Sourclover	25	100	100	100
Clover, lappa	25	100	100	100	Soybean	100	500	500	500
Clover, Persian	25	100	100	100	Spelt	100	500	500	500
Clover, red or	25	100	100	100	Sudangrass	25	100	100	100
Red clover, mammoth	25	100	100	100	Sunflower	100	500	500	500
Red clover, medium	25	100	100	100	Sweetclover or	25	100	100	100
Clover, rose	25	100	100	100	Sweetclover, white	25	100	100	100
Clover, strawberry	25	100	100	100	Sweetclover, yellow	25	100	100	100
Clover, sub (subterranean)	25	100	100	100	Sweet vernalgrass	25	100	100	100
Clover, white (also see clover, ladino)	25	100	100	100	Switchgrass	25	100	100	100
Clover, (also see Alyce-clover, Bar-clover, Butter-clover, Sweetclover)	25	100	100	100	Timothy	25	100	100	100
Corn, field	100	1,000	1,000	1,000	Tobacco	1	1	1	1
Corn, pop	100	1,000	1,000	1,000	Trefol, big	25	100	100	100
Cotton	100	500	500	500	Trefol, birdsfoot	25	100	100	100
Cowpea	100	500	500	500	Vaseygrass	25	100	100	100
Crested dogtail	25	100	100	100	Veldtgrass	25	100	100	100
Crotalaria, lance	25	100	100	100	Velvetbean	100	500	500	500
Crotalaria, showy	25	100	100	100	Velvetgrass	25	100	100	100
Crotalaria, slenderleaf	25	100	100	100	Vetch or	100	500	500	500
Crotalaria, striped	25	100	100	100	Vetch, common	100	500	500	500
Crotalaria, Sunn	25	100	100	100	Vetch, hairy	100	500	500	500
Crownvetch	25	100	100	100	Vetch, Hungarian	100	500	500	500
Dallisgrass	25	100	100	100	Vetch, Monantha	100	500	500	500
Dichondra	25	100	100	100	Vetch, narrowleaf	100	500	500	500
Dropsed, sand	25	100	100	100	Vetch, purple	100	500	500	500
Ermmer, Chewings	100	500	500	500	Vetch, woolypod	100	500	500	500
Fescue, hair	25	100	100	100	Wheat or	100	500	500	500
Fescue, meadow	25	100	100	100	Wheat, common	100	500	500	500
Fescue, red	25	100	100	100	Wheat, club	100	500	500	500
Fescue, sheep	25	100	100	100	Wheat, durum	100	500	500	500
Fescue, tall	25	100	100	100	Wheat, Polish	100	500	500	500
Flax	25	100	100	100	Wheat, Poland	100	500	500	500
Gramma, blue	25	100	100	100	Wheatgrass, fairway crested	25	100	100	100
Gramma, side-oots	25	100	100	100	Wheatgrass, standard crested	25	100	100	100
Guar	25	100	100	100	Wheatgrass, intermediate	25	100	100	100
Guineagrass	25	100	100	100	Wheatgrass, pubescent	25	100	100	100
Hardinggrass	25	100	100	100	Wheatgrass, slender	25	100	100	100
Hemp	100	500	500	500	Wheatgrass, tall	25	100	100	100
Indiangrass, yellow	25	100	100	100	Wheatgrass, western	25	100	100	100
Indigo, hairy	25	100	100	100	Wild-rye, Canada	25	100	100	100
Japanese lawnglass	25	100	100	100	Wild-rye, Russian	25	100	100	100
Johnsongrass	25	100	100	100	Zoysia Japonica (see Japanese lawnglass)	25	100	100	100
Kudzu	25	100	100	100	Zoysia matrella (see Manilla grass)	25	100	100	100
Lespedeza	25	100	100	100					
Lespedeza, Korean	25	100	100	100					
Lespedeza, sericea or Chinese	25	100	100	100					
Lespedeza, Siberian	25	100	100	100					

a. Change the heading of § 201.222 to read "Declaration of purpose and labeling as to kind and variety."

b. Add a new paragraph (e) to read as follows:

(e) The invoice and any other labeling pertaining to vegetable seed offered for importation shall bear the name of each kind and variety of the vegetable seed, and the invoice and any other labeling pertaining to agricultural seed offered for importation shall bear the name of each kind or variety of the agricultural seed.

29. Amend § 201.224 by inserting the word "consisting" after the word "screenings" where the latter is used as the first word in the first sentence.

30. Amend the second sentence in § 201.225 to read as follows: "The cleaning or processing shall be at the expense of the owner or consignee who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of officers or employees of the United States. Salary shall be reimbursed at the rate of \$4.50 per hour in connection with supervision during normal working hours of the officer or employee and \$5.80 per hour in connection with supervision outside normal working hours of the officer or employee."

31. Amend the last sentence of § 201.226 to read as follows: "The destruction of refuse shall be at the expense of the owner or consignee who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of officers or employees of the United States. Salary shall be reimbursed at the rate of \$4.50 per hour in connection with supervision during normal working hours of the officer or employee and \$5.80 per hour in connection with supervision outside the normal working hours of the officer or employee."

32. Amend the second sentence in § 201.228 to read as follows: "Any correction of the labeling upon the containers shall be done under the supervision of the U. S. Department of Agriculture at the expense of the owner or consignee, who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of officers or employees of the United States. Salary shall be reimbursed at the rate of \$4.50 per hour in connection with supervision during normal working hours of the officer or employee and \$5.80 per hour in connection with supervision outside the normal working hours of the officer or employee."

33. Amend the first sentence of § 201.230 (c) to read as follows: "The destruction of seed or screenings refused admission shall be at the expense of the owner or consignee who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of officers and employees of the United States. Salary shall be reimbursed at the rate of \$4.50 per hour

28. Amend the heading preceding § 201.221 to read "Exemptions, Declarations and Labeling", and amend § 201.222 as follows:

in connection with supervision during normal working hours of the officer or employee and \$5.80 per hour in connection with supervision outside the normal working hours of the officer or employee."

Done at Washington, D. C., this 10th day of November 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-9474; Filed, Nov. 13, 1958;
8:55 a. m.]

[7 CFR Part 972]

[Docket No. AO-177-A19]

MILK IN TRI-STATE MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at 64 State Street, Gallipolis, Ohio, beginning at 10:00 a. m., local time, on December 3, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tri-State marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Ashland Sanitary Milk Company, Ashland, Kentucky; The Borden Company, Huntington, W. Va., and Portsmouth, Ohio; Guyan Creamery, Huntington, W. Va.; Hyland Farms Dairy, Catlettsburg, Kentucky; Ideal Milk Company, Portsmouth, Ohio, and Johnson's Dairy, Ashland, Kentucky:

Proposal No. 1. Amend § 972.5 of the Tri-State order so as to include Lewis county, Kentucky, and Adams county, Ohio, in the Gallipolis-Scioto district of the Tri-State marketing area.

Proposal No. 2. Amend § 972.5 of the Tri-State order so as to include Carter, Lawrence, Morgan, Magoffin, Martin, Floyd, Pike, and Johnson counties, Kentucky, in the Huntington district of the Tri-State marketing area.

Proposal No. 3. If the order is amended so as to include handlers not now under the order, amend § 972.48 so

as to establish additional and proper points for fair and proper location adjustment credits to all handlers.

Proposed by Broughton's Farm Dairy, Marietta, Ohio; Fairmont Foods Company, Athens, Ohio; United Dairy Company, Waterford, Ohio:

Proposal No. 4. Amend § 972.5 (d) to include in the Athens district, Adams and Waterford townships in Washington county, Ohio; the townships of Malta and Morgan in Morgan county, Ohio.

Proposal No. 5. Amend § 972.25 so that a handler may account for receipts of milk, utilization of milk and classification of milk at his plant for periods within a month if he notifies the market administrator in writing of his intention to use such accounting periods not later than the end of the month in which the change in the period occurs. The expense for each accounting period is to be paid by the handler at the regular marketing rate.

Proposed by The Borden Company, Huntington, W. Va., and Portsmouth, Ohio; Ideal Milk Company, Portsmouth, Ohio:

Proposal No. 6. Amend § 972.13 (b) so when amended to provide: Producer milk diverted any time during the year by a handler or an association shall be deemed to have been received at a pool plant at the same location as the pool plant from which it was diverted.

Proposed by the Southeastern Ohio Cooperative Dairy Sales Association, Inc., Oak Hill, Ohio:

Proposal No. 7. Consider the performance standards in § 972.8, *Supply plant* (Tri-State order), and any revisions necessary in view of recent market experience.

Proposal No. 8. Consider a provision which would prevent dropping a can producer out of a handler's blend price except on October 1 of any year.

Proposal No. 9. Consider the revision of the supply-demand factor in § 972.41 (b) to take into account changes in the seasonal production pattern and provision for reserve supplies.

Proposed by the Ashland Sanitary Milk Company, Ashland, Kentucky; Borden Company, Huntington, W. Va.; Guyan Creamery, Huntington, W. Va.; Hyland Farm Dairy, Catlettsburg, Kentucky; Johnson's Dairy, Ashland, Kentucky:

Proposal No. 10. Amend § 972.41 (a) so that when amended said provision will provide that the Athens district plants will pay the same for their milk as the handlers of Huntington district plants are required to pay for their milk.

Proposed by Athens Milk Sales, Inc., Southeastern Ohio Cooperative Dairy Sales Association and Huntington Interstate Milk Producers Association:

Proposal No. 11. Revise seasonal variations in monthly Class I price differentials.

Proposed by Athens Milk Sales Company, Inc., and Huntington Interstate Milk Producers Association:

Proposal No. 12. Revise inter-district Class I price differentials.

Proposed by Athens Milk Sales Company, Inc.:

Proposal No. 13. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 14. Make such changes throughout Order No. 72, regulating the handling of milk in the Tri-State marketing area, with respect to definitions, reporting, classification, and payment for the purpose of making the entire order more specific in its application.

Proposal No. 15. Delete § 972.45 *Emergency price provisions*, and substitute therefor a new § 972.45 as follows:

§ 972.45 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 64 State Street, Gallipolis, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 10th day of November 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-9471; Filed, Nov. 13, 1958;
8:54 a. m.]

[7 CFR Parts 972, 1012]

[Dockets Nos. AO-177-A18 and AO-278-A2]

MILK IN TRI-STATE AND BLUEFIELD MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the West Virginian Hotel, Federal Street, Bluefield, West Virginia, beginning at 10:00 a. m., local time, on December 1, 1958, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Tri-State and Bluefield marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal relative to a redefinition of the marketing areas raises the issue with respect to each market whether

the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

Proposal No. 1:

(a) By Huntington Interstate Milk Producers Association, Huntington, West Virginia:

Consider the propriety of the inclusion of all or a portion of the territory geographically located within the perimeters of the counties of Pike, Floyd and Johnson in Kentucky—

(1) As a part of the Bluefield marketing area specified as § 1012.6 of the order regulating the handling of milk in the Bluefield marketing area,

(2) As a part of the Tri-State marketing area specified as § 972.5 of the order regulating the handling of milk in the Tri-State marketing area,

(3) As the marketing area under a new and separate Federal milk market order for the regulation of such area, with further consideration to the application of the entire regulatory terms of the Tri-State order, the Bluefield order, or appropriate modifications thereof that will tend to effectuate the declared policy of the act with respect to such area.

(4) Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

(b) By Fairmont Food Company:

Consider extending the Bluefield marketing area to encompass the four counties of Johnson, Martin, Pike, and Floyd in Kentucky.

(c) By Foremost Dairies, Inc., and the Leatherwood Company:

Consider the Federal milk market order regulation of the territory lying within the boundaries of Pike, Floyd, and Johnson counties in Kentucky; and determine what portion or portions of said territory shall be regulated as—

1. Part of the Bluefield marketing area properly to be included in § 1012.6 of the Bluefield milk marketing order,

2. Part of the Tri-State marketing area properly to be included in the area described in § 972.5 of the Tri-State milk marketing order,

3. As a marketing area under a separate Federal milk market order.

Also, determine the terms and provisions of the Federal milk market order regulation appropriate to the regulation of such territory; whether the terms and provisions of the said Bluefield milk marketing order, the terms and provisions of the said Tri-State milk marketing order, or modifications of said terms and provisions.

Proposals Nos. 2 and 3, by Tri-State Milk Producers' Association, Inc., Bristol, Virginia:

2. Add a new paragraph (k) in § 1012.22 as follows:

(k) On or before the 12th day after the end of each month, report to each

cooperative association, which so requests, with respect to producer milk caused to be delivered by such association or by its members to each handler during the month: (1) The total hundredweights of such receipts classified in Class I; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the fluid milk plant(s) of other handlers and to nonfluid milk plants. For the purpose of these reports the milk received from such associations shall be treated on a pro rata basis of the total producer milk received by such handler during the month.

3. Amend § 1012.80 with respect to the determination of daily base so as to include in such computation for each producer the total pounds and number of days of his milk receipts by handlers subject to the pricing provisions of Order No. 23 for the Appalachian marketing area during the months of September through February, inclusive.

Proposals Nos. 4, 5, 6, 7, and 8, by Foremost Dairies, Inc., and the Leatherwood Company:

4. Amend § 1012.51 (b) (1) of the Bluefield milk marketing order by deleting the list of plants therein, and substituting the following:

Pet Milk Company, Greeneville, Tenn.
Pet Milk Company, Abingdon, Va.
Carnation Company, Galax, Va.
Carnation Company, Murfreesboro, Tenn.
Carnation Company, Statesville, N. C.
Borden Company, Lewisburg, Tenn.
Borden Company, Chester, S. C.
Kraft Foods Company, Independence, Va.
Carnation Company, Maysville, Ky.

5. Amend § 1012.41 (b) of the Bluefield milk marketing order by deleting the following language: "and (5) in shrinkage assigned to Class II pursuant to § 1012.42", and replacing the same with the following: "(5) in actual shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2.0 percent of such receipts of skim milk and butterfat, respectively, and (6) in actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk and other source milk are both received in the fluid milk plant during the same delivery period, the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from said sources to their total."

6. Delete § 1012.42 of the Bluefield milk marketing order.

7. Amend § 1012.44 of the Bluefield milk marketing order by deleting the introductory paragraph of paragraph (c) thereof, and replacing with the following:

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid milk plant located in the marketing area or not more than 300 miles by the shortest highway distance, as determined by the market administrator, from the City Hall, Bluefield, West Virginia, unless:

8. Amend paragraph (a) of § 1012.46 of the Bluefield milk marketing order by renumbering the present subparagraphs (1), (3), (4), (5), and (6) as (2), (4), (5), (6), and (7), respectively; and adding a new subparagraph (1) as follows:

(1) Subtract from the pounds of skim milk in Class I milk disposed of as a Class I product, as described in § 1012.41 (a), in consumer-packaged glass containers on routes, the pounds of such skim milk received during the month in the same product and the same packages from a plant fully regulated pursuant to Order No. 23 regulating the handling of milk in the Appalachian marketing area: *Provided*, That this subparagraph shall not apply to any item received if the same product is processed and packaged in glass containers in the fluid milk plant; and by replacing the present subparagraph (2) with a subparagraph (3) as follows:

(3) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in other source milk which were not subtracted pursuant to subparagraph (1) of this paragraph (that derived from milk priced under another Federal order to be subtracted last): *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

9. Amend the Bluefield order to effect more equitable and proper provision in the order for the circumstances where demands are made by producers or cooperative associations for prices higher than those specified in the order, followed by a withholding of milk. To this end consider:

a. The amendment of paragraph (b) of § 1012.7 to provide that under such circumstances milk from such paragraph (b) plants will be considered other source milk; or by other proper modification of § 1012.7, such as the addition of the following proviso: "And provided further, That a plant, other than a plant receiving milk from dairy farmers holding dairy farm permits issued by a health authority having jurisdiction of the marketing area, will not be a fluid milk plant in any month for which its shipments of milk, skim milk and cream to a plant qualified pursuant to paragraph (a) of this section do not exceed such paragraph (a) plant's needs of milk, skim milk and cream used to the extent that producer milk was not available from producers at order prices."

b. The amendment of § 1012.46 (a) (2) and the corresponding provision under paragraph (b), that under such circumstances other source milk will be allocated to Class I; or by other proper modification of § 1012.46 (a) (2), such as the deletion of said provision, and the substitution of the following therefor:

(2) Subtract from the remaining pounds of skim milk in the classes, in series beginning with Class II, the pounds of skim milk in other source milk (that derived from milk priced under an-

other Federal order to be subtracted last): *Provided*, That the pounds of skim milk in other source milk which was used to the extent producer milk was not available from producers at order prices shall be subtracted from the pounds of skim milk remaining in the classes, after the subtraction in subparagraph (1) of this paragraph, in series beginning with Class I.

c. The amendment of the order to provide that a handler may account for receipts of milk, utilization of milk, and classification of milk at his plants for periods within a month, if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

Copies of this notice of hearing and the orders for the respective marketing areas may be procured from the Market Administrator for Order No. 72, 64 State Street, Gallipolis, Ohio, and the Market Administrator for Order No. 112, 617½ Shelby Street, Bristol, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 10th day of November 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.
[F. R. Doc. 58-9472; Filed, Nov. 13, 1958;
8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 101-115]

ALASKA COMMERCIAL FISHERIES

PROTECTION

Pursuant to the Administrative Procedure Act approved June 11, 1946 (60 Stat. 237; 5 U. S. C. 1001 et seq.), notice is hereby given that the Secretary of the Interior intends to adopt amendments to existing regulations governing the time during and the means and methods by which commercial fish and shellfish may be taken in the waters of Alaska. Amendments to existing regulations for the protection of the commercial fisheries of Alaska are to be adopted under the authority contained in the Act of

June 6, 1924, as amended and supplemented (43 Stat. 465; 48 U. S. C. 221 et seq.), are to become effective on or about March 1, 1959, and are to continue in effect thereafter until further notice.

Interested persons are hereby invited to participate in the adoption of amendments to the regulations by presenting their views, data, or arguments in writing to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington 25, D. C., on or before December 31, 1958, or by presenting their views orally or in writing at a series of open discussions scheduled to be held as follows:

Seattle, Wash., December 4, 5, and 6.
Juneau, Alaska, December 10, 11, and 12.
Anchorage, Alaska, December 17, 18, and 19.

The hour and place of each meeting will be announced by the local representative of the Bureau of Commercial Fisheries at the cities indicated above.

Dated: November 8, 1958.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 58-9463; Filed, Nov. 13, 1958;
9:02 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ASSISTANT COMMISSIONER FOR PROGRAM PLANNING AND DEVELOPMENT, AND DEPUTY URBAN RENEWAL COMMISSIONER

REDELEGATION OF AUTHORITY WITH RESPECT TO DEMONSTRATION GRANT PROGRAM

A. The Assistant Commissioner for Program Planning and Development in the Urban Renewal Administration and the Deputy Urban Renewal Commissioner each is hereby authorized to take the following actions under the provisions of section 314 of the Housing Act of 1954 (42 U. S. C. 1452a) with respect to grants for developing, testing, and reporting methods and techniques, and carrying out demonstrations and other activities for the prevention and elimination of slums and urban blight, subject to Allocation Orders executed by the Urban Renewal Commissioner:

- (1) Approve demonstration project budgets;
- (2) Approve demonstration grant contracts for financial assistance, including waivers, changes, amendments, and revisions thereof;
- (3) Approve requisitions for demonstration grant payments.

B. The redelegation of authority to the Assistant Commissioner for Technical Standards and Services in the Urban Renewal Administration with respect to the Demonstration Grant Program published at 22 F. R. 4375, June 20, 1957, is hereby revoked.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80

(1950), 12 U. S. C. 1701c; Delegation of Authority effective Dec. 23, 1954 (20 F. R. 428-429, Jan. 15, 1955), as amended)

Effective as of the 7th day of November 1958.

R. L. STEINER,
Urban Renewal Commissioner.

[F. R. Doc. 58-9463; Filed, Nov. 13, 1958;
8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 21]

COLORADO

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by the State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), I hereby classify the following described public lands, totalling 75 acres in Grand County, Colorado, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 78 W.
Sec. 17, S½SW¼SE¼NE¼, W¼NE¼SE¼, NW¼NE¼SW¼SE¼, S½NE¼SW¼SE¼, N¼SE¼SW¼SE¼, SE¼SE¼SW¼SE¼, S½NE¼SE¼SE¼, NW¼SE¼SE¼, and S½SE¼SE¼.

Containing 75 acres, of which 5 acres are covered by an application from an individual entitled to preference under 43 CFR 257.5 (a). Upon completion of survey and preparation of supplemental plats the land above will be described by lot numbers.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to June 28, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-9427; Filed, Nov. 13, 1958;
8:46 a. m.]

[Classification 112]

ALASKA; JUNEAU LAND DISTRICT

SMALL TRACT OPENINGS

NOVEMBER 5, 1958.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473) I hereby open the following described lands for lease and sale as Residence Sites, which were classified by Classification Order No. 112, dated July 18, 1956 (F. R. Doc. 56-6015)

to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended.

KETCHIKAN AREA

(Gravina Island)

U. S. Survey 3535

Lot No.	Acreage	2 years advance rental	Sale price
1.	2.60	\$20.00	\$200.00
2.	2.78	20.00	200.00
3.	3.03	20.00	200.00
4.	3.85	22.00	240.00
5.	3.94	22.00	240.00
6.	3.61	22.00	240.00
7.	3.16	20.00	220.00
8.	2.08	20.00	220.00
9.	4.01	24.00	260.00
10.	3.04	20.00	200.00
11.	3.17	20.00	200.00
12.	3.29	20.00	200.00
13.	3.23	20.00	200.00
14.	2.95	20.00	180.00
15.	3.00	20.00	180.00
16.	3.05	20.00	180.00

¹ Lot 5—Under application from an individual having statutory preference under 43 CFR 257.5 (a).

² Lot 9—Under application from an individual having a preference right under the Act of May 26, 1934.

There are no designated easements for road right-of-way or public utility purposes within the area.

2. The lands are located approximately 1 mile from downtown Ketchikan on the opposite side of Tongass Narrows on Gravina Island. The topography is a Northeast Slope to the tide water of Tongass Narrows, and the soil is a very shallow forest soil covered with a non-commercial stand of mixed cedar, spruce, and hemlock. The beach is somewhat rocky and is not generally considered desirable for small boat landings. No public utilities have been extended to this portion of Gravina Island. Schools, churches, stores, and other public services are located in Ketchikan and this area is included in the Ketchikan Independent School District and is subject to taxation by that body.

3. The individual tracts vary in size from 2.60 to 4.01 acres and vary in shape. The appraised value of the tracts vary from \$180 to \$260.00 per tract as is shown. A brochure may be obtained from the Land Office located in Room 300, Federal Building, Juneau, Alaska, or from the Manager, Land Office, P. O. Box 2511, Juneau, Alaska. All minerals in the lands will be reserved to the United States.

4. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above, providing that during the period of their leases they (a) construct the improvements specified in Paragraph 6 and (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Lease will be renewable at the discretion of the Bureau of Land Management and the lease renewal will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under

the circumstances and nonrenewable would work an extreme hardship on the lessee.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The improvements referred to in Paragraph 4 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards. The home must be suitable for year-around use, on a permanent foundation, and with a minimum of 192 square feet of floor space. The homes must be built in a workmanlike manner out of attractive, properly finished materials. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on November 10, 1958 the lands will be open to filing of drawing-entry cards (Form 4-775) only by persons entitled to Veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the Armed Forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, Box 2511, Juneau, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a. m. on December 2, 1958. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4-776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on March 3, 1959, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4-776.

During the 21 day period extending between 10:00 a. m. on February 10, 1959 and March 4, 1959, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on March 4, 1959 to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent

copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4-776, must be accompanied by a filing fee of \$10.00 plus the advance rental specified above. The advance rental for Residence Sites is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease, however, the minimum rental will be \$10.00 per tract per year. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

WARNER T. MAY,
Operations Supervisor.

NOVEMBER 5, 1958.

[F. R. Doc. 58-9428; Filed, Nov. 13, 1958; 8:46 a. m.]

UTAH

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m., on October 30, 1958:

SALT LAKE MERIDIAN

T. 3 S., R. 3 E.

All secs. 8 to 17, inclusive;

All secs. 19 to 36, inclusive.

The area described aggregates 17,544.25 acres, which include 5,950.36 acres of segregated mineral surveys. Plats of survey accepted March 27, 1958.

2. All the above lands are within the exterior boundaries of the Uinta and Wasatch National Forests pursuant to proclamations of May 26, 1904, August 16, 1906, July 2, 1908, and Public Land Order 950 of March 30, 1954.

3. Anyone having a valid settlement or other right to any of these lands initiated prior to the withdrawals should assert the same within three months from the date on which the plats are officially filed by filing an application under the appropriate public-land law, setting forth all facts relevant thereto.

4. All inquiries relating to these lands should be addressed to the Manager, Land Office, Room 312, Federal Building, P. O. Box 777, Salt Lake City, Utah.

ERNEST E. HOUSE,
Manager.

OCTOBER 29, 1958.

[F. R. Doc. 58-9429; Filed, Nov. 13, 1958; 8:47 a. m.]

[C-010778]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; AMENDMENT

NOVEMBER 6, 1958.

Pursuant to authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), Federal Register Document 56-8735, appearing in the FEDERAL REGISTER of October 27, 1956 at pages 8242-8243 is amended to delete the following lands described in paragraph 3 of the Order:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 41 N., R. 12 E.,

Sec. 22, SW $\frac{1}{4}$;

Secs. 26, 27, 34, and 35, all.

T. 40 N., R. 12 E.,

Sec. 2, lot 4 and SW $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-9430; Filed, Nov. 13, 1958;
8:47 a. m.]

[Classification 166]

NEVADA

SMALL TRACT OPENING

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totaling 240 acres in Ormsby County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 20 E.

Sec. 23, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$.

The area described contains 240 acres subdivided into 79 tracts.

2. Classification of the above-described lands by this order segregates them from all appropriation, including location under the mining laws, except as to applications under the mineral leasing laws.

3. The lands are located on a west-sloping bench adjacent to the Carson River. Several tracts under application extend into the river bottom and in part cross the river. Numerous shallow ravines cross the area and drain to the west. On the bench land the soil is a loamy coarse sand and within the river bottom soils range from fine sandy loams to silty clays. Vegetation consists of big sage, cheatgrass, perennial grasses with desert peach appearing at higher elevations. Cottonwoods and various low-land shrubs and forbs line the river bank. Access is via paved road to a river crossing one-fourth mile south of the subject land, thence via unimproved road across public domain. Elevation is approximately 4600 feet above sea level. Precipitation averages 9.29 inches annually. The frost free period is from May 25 to September 19, approximately 117 days. The lands are nontimbered and non-

mineral. All mineral rights in the lands will be reserved to the United States.

4. The individual tracts will be 2.5 acres and 5 acres in size. All tracts will be rectangular in shape. The appraised value is \$500.00 per tract. Rights-of-way 50' wide within tracts for road purposes

and for public utilities will be reserved as shown below. Leases will be for a period of 3 years at a minimum rental of \$25.00 per year payable in advance for the entire lease period. All minerals in the lands will be reserved to the United States.

Description of tracts	Acres	Advance rentals (3 yrs.)	Right-of-way width and location	Appraised value
N $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$	5	\$75.00	50' N, E & W boundary	\$500.00
SE $\frac{1}{4}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' S, E & W boundary	500.00
NE $\frac{1}{4}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' N, E & W boundary	500.00
SE $\frac{1}{4}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' S, E & W boundary	500.00
N $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' N, E & W boundary	500.00
SE $\frac{1}{4}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' S, E & W boundary	500.00
NE $\frac{1}{4}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' N, E & W boundary	500.00
SE $\frac{1}{4}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' S, E & W boundary	500.00
N $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' N, E & W boundary	500.00
SE $\frac{1}{4}$ NW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' S, E & W boundary	500.00
NE $\frac{1}{4}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' N, E & W boundary	500.00
SE $\frac{1}{4}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' S, E & W boundary	500.00
N $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' N, E & W boundary	500.00
SE $\frac{1}{4}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' S, E & W boundary	500.00
NE $\frac{1}{4}$ SE $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' N, E & W boundary	500.00
SE $\frac{1}{4}$ SE $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$	5	75.00	50' S, E & W boundary	500.00
N $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
NE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
N $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
NE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
N $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
NE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
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SE $\frac{1}{4}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
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NE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
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SE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
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SE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
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NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
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NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
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NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
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NE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
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NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
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NE $\frac{1}{4}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
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SE $\frac{1}{4}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
NE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	500.00
SE $\frac{1}{4}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' S & E boundary	500.00
N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$	2.5	75.00	50' N & E boundary	5

Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

7. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

8. The improvements referred to in Paragraph 6 above must conform with health, sanitation and construction requirements of applicable ordinances and must, in addition, meet the following standards:

a. Building must be suitable for year-round habitation, must be neat and attractive and must be placed on a permanent foundation.

b. All buildings must be built in a workmanlike manner of attractive, properly finished materials and may consist of wood or masonry construction.

c. All habitable rooms used for eating, sleeping, or living shall be provided with not less than one window with an area of not less than 12 square feet.

d. The dwelling shall have a floor space of not less than 500 square feet.

e. There shall be at least two doors, not on a common wall, as a means of access to each dwelling unit.

f. All dwellings must be connected to a sewage disposal system in accordance with the requirements of the Nevada State Department of Health as to type, size, and construction. No other type of sewage disposal will be permitted. For information relative to sanitary requirements the lessee may contact the Nevada State Department of Health at 325 West Street, Reno, Nevada. An applicant for purchase will be required to submit a certificate of approval signed by the proper authority of the Health Department.

9. The lands are now open to filing of drawing entry cards (Form 4-775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day service requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, 50 Ryland Street, Reno, Nevada.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the

above-named official prior to 10:00 a. m., April 16, 1959. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776), with instructions as to their execution and return and as to payment of fees and rentals.

10. All valid applications filed prior to 3:00 p. m., August 27, 1958, in the NE $\frac{1}{4}$, Sec. 23, and all valid applications filed prior to 10:00 a. m., January 5, 1956, in W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, will be granted the preference right provided for by 43 CFR 257.5 (a).

11. Inquiries concerning these lands shall be addressed to Manager, Land Office, 50 Ryland Street, Reno, Nevada.

BOYD S. HAMMOND,
Acting State Supervisor.

NOVEMBER 5, 1958.

[F. R. Doc. 58-9443; Filed, Nov. 13, 1958;
8:49 a. m.]

[Document 193]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The National Park Service has filed an application, Serial No. AR-019667, for the withdrawal of the lands as described below from location and entry under the General Mining Laws, subject to existing valid claims.

The land is needed by the National Park Service for construction of improvements in connection with administration of the planned Coronado National Memorial.

For a period of 30 days from the date of publication of the notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER.

A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA
CORONADO NATIONAL FOREST

T. 24 S., R. 21 E.,
Sec. 18, Lots 2 and 7.

Total acreage: 75.33 acres.

Dated: November 4, 1958.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 58-9431; Filed, Nov. 13, 1958;
8:47 a. m.]

[F-017284]

ALASKA

REVOCATION OF AIR NAVIGATION SITE WITHDRAWAL NO. 195

NOVEMBER 6, 1958.

1. By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and pursuant to section 2.5 of Bureau of Land Management Delegation of Authority, Order No. 541 of April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

Air Navigation Site Withdrawal No. 195, effected by Departmental Order of November 30, 1942, as modified by Area Order of October 3, 1951, covering certain public lands described below in the vicinity of Shungnak, Alaska, is hereby revoked.

SHUNGNAK-KOBUK RIVER AREA

Beginning at a point on the left bank of Kobuk River, at the line of mean high water at the confluence with the Kuikcherk River, approximate latitude 66°53'05" N., longitude 157°06'30" W., thence by metes and bounds,

Northeasterly, 5,400 feet, upstream along the left bank of Kobuk River, along the line of mean high water;

S. 47°40' E., 10,560 feet;

S. 42°20' W., 5,280 feet;

N. 47°40' W., 5,175 feet, to the line of mean high water on the right bank of Kuikcherk River;

Northwesterly, 3,600 feet, downstream, along the right bank of Kuikcherk River, at mean high water, to the point of beginning.

The tract described contains 1,173 acres.

2. Subject lands are located on the left limit of the Kobuk River across the river from Shungnak and approximately 150 miles east of Kotzebue. The lands are generally level and contain considerable areas of low muskeg. Natural cover consists of patches of sparse to medium Spruce, Cottonwood, and Birch stands, interspersed with low bush, brush and alder.

3. In accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709; 711; and 712) and subject to the requirements of the act, the Territory of Alaska shall be entitled, for a period of 90 days from November 6, 1958 to a preferred right of selection of the land, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation, for use in connection with the mental health program of the Territory.

4. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the application and claims described in paragraph 3 above and b (1) below, the lands beginning at 10:00 a. m. on February 6, 1959, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43

U. S. C. 279-284 as amended). Beginning at 10:00 a. m. on May 8, 1959, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on November 6, 1958. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on February 6, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on May 8, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on May 8, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, in the absence of the filing of an application by the Territory as described in paragraph 3 of this order, beginning at 10:00 a. m. on May 8, 1959.

Persons claiming veterans' preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

RICHARD L. QUINTUS,
Fairbanks Operations Supervisor.

[F. R. Doc. 58-9461; Filed, Nov. 13, 1958; 8:53 a. m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

REGIONAL DIRECTORS

DELEGATION OF CERTAIN DISASTER RELIEF AUTHORITY AND FUNCTIONS

Purpose. The purpose is to delegate to the Regional Directors, Office of Civil and Defense Mobilization, certain of the disaster relief authority and functions vested in the Director, Office of Civil and Defense Mobilization.

Authority and functions delegated. There is hereby delegated to the Regional Directors, Office of Civil and Defense Mobilization, to be exercised and performed by them with regard to their respective regions, the following authority and functions contained in the Act of September 30, 1950, entitled, "An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes" (64 Stat. 1109, 42 U. S. C. 1855-1855g), as amended (hereinafter referred to as "the Act"), and transferred to the Director, Office of Civil and Defense Mobilization, by Executive Order 10427 of January 16, 1953 (18 F. R. 407), as amended, and Executive Order 10737 of October 29, 1957 (22 F. R. 8799), as amended: The authority and functions transferred by paragraphs (a) and (b) of section 1 and sections 2, 3, 4, and 6 of Executive Order 10427, and by subparagraph 2 (e) (1) of Executive Order 10737.

Limitations. Each Regional Director shall exercise and perform his authority and functions in accordance with the Act; with regulations entitled "Federal Disaster Assistance," Part 1710, Title 32 (23 F. R. 3636), as now or hereafter amended; and with such additional rules, regulations, procedures, and instructions as the Director may issue. To the extent consistent with the Act, regulations, rules, procedures, and instructions, the Regional Director shall give maximum consideration to the existing disaster relief responsibilities, authorities, practices, customs, and arrangements of the other Federal agencies, States, local governments, and the American National Red Cross.

Redelegation prohibited. The authority and functions herein delegated may not be redelegated, but shall be exercised and performed by each Regional Director; or, in his absence, disability, or death, by the person designated to carry out the responsibilities of the Regional Director.

Dated: October 29, 1958.

LEO A. HOEGH,
Director.

[F. R. Doc. 58-9422; Filed, Nov. 13, 1958; 8:45 a. m.]

[OCMD (DPA) Request 50-DPAV-50 (c)]
INTEGRATION COMMITTEE ON BURSTER CASINGS

NOTICE OF AMENDMENTS OF PLAN AND REGULATIONS

Pursuant to section 708 of the Defense Production Act of 1950, as amended,

there is published herewith the request to participate in the activities of an Army Ordnance integration committee in accordance with the Plans and Regulations of the Ordnance Corps Governing the Integration Committee on Burster Casings. The voluntary plan has been amended to extend membership eligibility in accordance with the Defense Production Act Amendments of 1955 and has been further amended to place the Integration Committee on Burster Casings in standby status, effective October 29, 1957, without authority to meet and without antitrust immunity, pending a finding by the Assistant Secretary of the Army (Logistics) and concurred in by the Director of the Office of Civil and Defense Mobilization that reactivation of the Committee is essential in the interest of national defense.

These amendments were made after consultations between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization. This amended voluntary plan has been approved by the Director of the Office of Defense Mobilization and has been found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

Reference is made to the participation of your company in the activities of the Integration Committee on Burster Casings. The Department of the Army has advised me that the Committee has been inactive and has recommended that the Plans and Regulations of the Ordnance Corps covering its activities be amended to place the Committee in a standby status pending a national defense need for reactivation. You are requested to participate in the Plan as amended.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C.

If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended. The earlier request extended by letter of (date) is superseded and withdrawn.

Your cooperation in this matter will be appreciated.

Sincerely yours,

GORDON GRAY,
Director.

Office of Defense Mobilization.

The following companies have accepted the request to participate in the amended plan and this list supersedes membership notices published in 18 F. R. 5576, 18 F. R. 6980, and 19 F. R. 255.

Acceptances

Automatic Steel Products, Inc., Canton, Ohio.

Eisen Brothers, Inc., Hoboken, N. J.
 Hunter Douglas Aluminum Corporation,
 Riverside, Calif.
 The Northwestern Corporation, Inc.,
 Morris, Ill.
 Preway, Inc., Wisconsin Rapids, Wis.
 The Production Plating Works, Inc.,
 Lebanon, Ohio.
 Super-Vent Company, Chicago, Ill.
 The Weatherhead Company, Cleveland,
 Ohio.

/Sec. 708, 64 Stat. 818, as amended, 50
 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14,
 1953, 18 F. R. 4939; Reorg. Plan No. 1 of 1958,
 23 F. R. 4991, as amended; E. O. 10773, July 1,
 1958, 23 F. R. 5061; E. O. 10782, Sept. 6, 1958,
 23 F. R. 6971)

Dated: October 28, 1958.

LEO A. HOEGH,
 Director.

[F. R. Doc. 58-9423; Filed, Nov. 13, 1958;
 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

NOVEMBER 1958 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Prospective buyers for export should note that under the terms set forth in such announcements, sales or transfers to U. S. Government agencies, with only minor exceptions, will constitute a domestic, unrestricted use of the commodity.

CCC reserves the right to refuse any or all offers placed with it for the purchase of commodities pursuant to such announcements. If CCC does not have adequate information as to the financial responsibility of prospective purchaser to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such purchaser's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the purchaser of a certified or cashier's check, bond, letter of credit, or other security, acceptable to CCC, assuring that the purchaser will discharge his responsibility under the contract, or (iii) to accept the offer upon condition that the purchaser promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective purchaser is in doubt as to whether CCC is acquainted with his financial responsibility, he should communicate with the CCC or CSS Commodity Office at which the offer is to be

placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

Disposals and other handling of inventory items often result in small quantities at given locations or in quantities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Commodity Office and therefore generally they do not appear in the Monthly Sales List.

NOTICE TO EXPORT BUYERS

Available interest rates on sales made in November under the Export Credit

Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 3½ percent per annum.

For periods over 6 months up to and including 18 months, 3½ percent per annum.

For periods over 18 months up to and including 36 months, 4½ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had.

NOVEMBER 1958 MONTHLY SALES LIST

Commodity	Sales price or method of sale
Dairy products.....	All sales are under LD-26 and amendments. All sales are in cartons only. As many as 3 buyers may participate in purchasing a single carton. Domestic price: For unrestricted use price is "in store" price at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26 and amendments.
Butter.....	Export prices are on the basis of delivery f. a. s. vessel or at buyers option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-26 and amendments. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: 58 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. 67½ cents per pound, Washington, Oregon, and California. All other States 67 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of other products made from chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra grade; in barrels and drums, 16.25 cents per pound; in bags, 15.40 cents per pound. Roller process, U. S. Extra grade; in barrels and drums, 14.25 cents per pound; in bags, 13.40 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels, drums, or bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U. S. Extra grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, cheddars, flats twins, rindless blocks (standard moisture basis).	Domestic: 39.5 cents per pound for New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 38.5 cents per pound. Export: 22 cents per lb. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland.....	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, (Revision 1), as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-5 and NO-C-11, as amended.
Cotton, extra long staple.....	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts, shelled edible (as available).	Domestic (unrestricted use): Shelled 1956 crop, market price but not less than the 1958 applicable loan rate for type and grade basis in store point of origin, plus 5 percent adjusted for milling, storage, and other charges. Domestic (for crushing) or export: Competitive bid under Announcement 1, as amended. Available Dallas CSS Commodity Office.
Tung oil.....	To be announced.
Wheat, bulk.....	Domestic, commercial wheat-producing area: A. For wheat stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing wheat: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 20 cents per bu. if received by truck or (2) 15 cents per bu. if received by rail or barge. B. For wheat not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 20 cents per bu. if received by truck or 15 cents if received by rail, plus (2) any reductions in freight rates, in effect at time of sale, from those in effect on May 1, 1958, from the point of storage to the designated terminal. Examples of the foregoing minimum per bushel (exrail or barge): Chicago, No. 1 RW..... \$2.30 Minneapolis, No. 1 DNS..... 2.35 Kansas City, No. 1 HW..... 2.30 Portland, No. 1 SW..... 2.20 Domestic, noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. If delivery is outside the area of production, applicable freight will be added to the above.

See footnote at end of table.

NOVEMBER 1958 MONTHLY SALES LIST—Continued

NOVEMBER 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale	Commodity	Sales price or method of sale
Wheat, bolt—Continued	Export (as wheat): under Announcement GR-241 revised, as amended for application to certain barter contracts and specially approved credit sales only at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available: Dallas, Evanson, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Evanson, Minneapolis, and Portland when announced. Domestic, unrestricted use: Market price but not less than equivalent 1956 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling, plus 2 cents per cwt. basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Example of minimum prices of milled rice per cwt., at mills:	Barley, bolt	Domestic: A. For barley stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing barley: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 14 cents per bushel if received by rail or barge; (2) 11 cents per bushel if received by truck or (3) 11 cents per bushel if received by rail or barge. B. For barley not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 14 cents per bushel if received by truck or (2) 11 cents per bushel if received by rail, plus (3) any reduction in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (small or large): Minneapolis, No. 2 variety: \$3.29 Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Available: Minneapolis, Evanson, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rice, milled (as available)		Eye, bolt	Domestic: A. For rice stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing eye: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 12 cents per bushel if received by rail or barge; (2) 12 cents per bushel if received by truck or (3) 12 cents per bushel if received by rail or barge. B. For rice not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 12 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail, plus (3) any reduction in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (small or large): Minneapolis, No. 2 or better: \$1.46 A. Available: Evanson, Kansas City, Minneapolis, Portland and Dallas CSS Commodity Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Domestic: A. For grain sorghums originating in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington or stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing grain sorghums: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 20 cents per cwt. if received by truck or (2) 20 cents per cwt. if received by rail or barge. B. For grain sorghums not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 20 cents per cwt. if received by truck or (2) 20 cents per cwt. if received by rail, plus (3) any reduction in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per cwt. (small or large): Kansas City, No. 2 or better: \$2.51 A. Available: Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Domestic (for crushing) or export: Market price basis in store but not less than the 1958 applicable loan rate plus (1) 2 cents per bushel of production plus 11 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales price. If delivery is outside the area of production, applicable freight and net-destination charges at country loading point and in-destination charges at subterminal or terminal storage points will be added to the above price. Available: Evanson, Kansas City, and Minneapolis CSS Commodity Offices. Domestic or export, unrestricted use: Competitive bid and or fixed price under the terms and conditions of Announcement to be issued. This announcement will cover a limited quantity (about 11 million pounds). Copies of such announcement, when issued, may be obtained from the Tobacco Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.
Rice, milled, broken (as available)		Grain sorghums, bolt	Domestic: A. For grain sorghums originating in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington or stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing grain sorghums: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 20 cents per cwt. if received by truck or (2) 20 cents per cwt. if received by rail or barge. B. For grain sorghums not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 20 cents per cwt. if received by truck or (2) 20 cents per cwt. if received by rail, plus (3) any reduction in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per cwt. (small or large): Kansas City, No. 2 or better: \$2.51 A. Available: Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Domestic (for crushing) or export: Market price basis in store but not less than the 1958 applicable loan rate plus (1) 2 cents per bushel of production plus 11 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales price. If delivery is outside the area of production, applicable freight and net-destination charges at country loading point and in-destination charges at subterminal or terminal storage points will be added to the above price. Available: Evanson, Kansas City, and Minneapolis CSS Commodity Offices. Domestic or export, unrestricted use: Competitive bid and or fixed price under the terms and conditions of Announcement to be issued. This announcement will cover a limited quantity (about 11 million pounds). Copies of such announcement, when issued, may be obtained from the Tobacco Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.
Rice, rough		Soybeans, bolt (as available)	Domestic: A. For soybeans stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing soybeans: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 14 cents per bushel if received by rail or barge; (2) 11 cents per bushel if received by truck or (3) 11 cents per bushel if received by rail or barge. B. For soybeans not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 14 cents per bushel if received by truck or (2) 11 cents per bushel if received by rail, plus (3) any reduction in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (small or large): Minneapolis, No. 2 variety: \$3.29 Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Available: Minneapolis, Evanson, Kansas City, Portland, and Dallas CSS Commodity Offices.
Corn, bolt		Burley tobacco (as available)	Domestic: A. For burley stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing burley: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 14 cents per bushel if received by rail or barge; (2) 11 cents per bushel if received by truck or (3) 11 cents per bushel if received by rail or barge. B. For burley not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 14 cents per bushel if received by truck or (2) 11 cents per bushel if received by rail, plus (3) any reduction in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (small or large): Minneapolis, No. 2 variety: \$3.29 Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Available: Minneapolis, Evanson, Kansas City, Portland, and Dallas CSS Commodity Offices.
Oats, bolt			

See footnote at end of table.

NOVEMBER 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Gum resin.....	Domestic or export: Offer and acceptance basis "as is" in galvanized metal drums (averaging 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21 (revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Assn. Coop., Valdosta, Ga.
Gum turpentine.....	Domestic or export: Offer and acceptance basis "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-31 (revised) and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.

¹ At the processor's plant or warehouse but with any prepaid storage and outlanding charges for the benefit of the buyers.

² In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

³ This provision is necessary to insure continuation of CCC sales at terminal locations in their normal ratio to sales at nonterminal locations. The minimum sales prices of these grains at affected locations will be increased by an amount corresponding to any decrease since May 1, 1958, in the freight rates from the point of storage to a designated terminal. CSS Commodity Offices will furnish freight rate information upon request.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: November 10, 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-9475; Filed, Nov. 13, 1958;
8:56 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-110]

AMERICAN INTERCONTINENTAL TRADE AND
SERVICE CO. (AMITAS), INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT
LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of proposed action with the Federal Register Division on August 19, 1958, the Atomic Energy Commission has this date issued License No. XR-24 to American Intercontinental Trade and Service Company (AMITAS), Inc., authorizing the export of a 43,000 kilowatt (thermal) pressurized light water power reactor manufactured by Westinghouse Electric Corporation to Centre d'Etudes de l'Energie Nucleaire (CEN), Brussels, Belgium. Notice of proposed issuance of this license was published in the FEDERAL REGISTER on August 20, 1958, 23 F. R. 6381.

Dated at Germantown, Md., this 6th day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-9421; Filed, Nov. 13, 1958;
8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16487]

CITIES SERVICE PRODUCTION CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

OCTOBER 31, 1958.

In the Order for Hearing and Suspending Proposed Change in Rate issued on October 9, 1958, and published in the FEDERAL REGISTER on October 16, 1958

(23 F. R. 8005), on page 1, paragraph 2—"Cities Service proposes a periodic rate increase * * * for sales of natural gas in Coles Gully, Ellis and Bourg Fields in Arcadia, Terrebonne and Lafourche Parishes, Louisiana" should be corrected to read "Cities Service proposes a periodic rate increase for sales of natural gas in Bourg Field in Terrebonne and Lafourche Parishes, Louisiana".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9444; Filed, Nov. 13, 1958;
8:50 a. m.]

[Docket No. G-16534]

SINCLAIR OIL AND GAS CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

NOVEMBER 3, 1958.

In the Order for Hearing and Suspending Proposed Changes in Rates issued on October 17, 1958, and published in the FEDERAL REGISTER on October 24, 1958 (23 F. R. 8219), after "By the Commission." insert "Commissioner Kilne and".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9445; Filed, Nov. 13, 1958;
8:50 a. m.]

[Docket No. E-6851]

PHILADELPHIA ELECTRIC POWER CO. AND
PHILADELPHIA ELECTRIC CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1958.

Take notice that on October 30, 1958, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Philadelphia Electric Power Company ("Pepco") and Philadelphia Electric Company ("Peco") seeking an order authorizing (1) the sale by Pepco to Peco of a portion of the Conowingo Hydroelectric Project transmission lines and associated right of way in Chester County, Pennsylvania, and (2) the merger of Peco's electric facilities with the said portion of the Conowingo

Hydroelectric Project transmission lines and associated right of way. Pepco and Peco are corporations organized under the laws of the State of Pennsylvania with each of their principal business offices at Philadelphia, Pennsylvania. Pepco, a wholly owned subsidiary of Peco, is a joint licensee with The Susquehanna Power Company, a Maryland corporation, of a hydroelectric development on and in the vicinity of the Susquehanna River in Maryland and Pennsylvania and associated transmission lines, known as the Conowingo Hydroelectric Project and licensed by the Federal Power Commission as Project No. 405. Pepco owns the project land and land rights in York and Lancaster Counties, Pennsylvania, in connection with the portion of the project reservoir in Pennsylvania and owns the project primary transmission lines and the associated right of way in Pennsylvania extending as ultimately constructed from a point of junction at the Pennsylvania-Maryland state boundary with the project transmission lines in Maryland owned by The Susquehanna Power Company to the point of junction with the electric system of Peco at the Chester County-Montgomery County boundary (County boundary). Peco is the lessee of the above-mentioned project transmission lines in Pennsylvania and operates the leased lines for transmission of its entitlement of the Project power delivered to it at the Maryland-Pennsylvania state boundary. The facilities proposed to be sold and merged are all that portion of the aforesaid project transmission lines in Pennsylvania, including the associated right of way 315 feet wide, more or less, extending in Chester County from the boundary between West Nottingham and East Nottingham Townships (Nottingham boundary) a distance of approximately 41.3 miles to and including the present point of junction with the system of Peco at the County boundary. Upon consummation of the proposed sale and merger, Peco proposes to construct and operate at or near the Nottingham boundary and partially within the aforesaid portion of transmission lines, a transmission switching and distribution center for the Peco system; Peco also proposes to loop said portion through Peco's Bradford substation and to otherwise integrate this portion into Peco's system. Peco furnishes electric service to the public throughout the City of Philadelphia, throughout Delaware County, and in portions of Montgomery, Chester, Bucks and York Counties, all in Pennsylvania. Peco also furnishes gas service to the public in Delaware, Chester, Montgomery, Bucks, and Lancaster Counties, Pennsylvania. Applicants state, among other things, that the segment of the transmission lines in Pennsylvania to be acquired by Peco can be employed best in the public interest by being merged into and becoming a part of Peco's backbone transmission system and that the proposed sale and merging of the above-described facilities will not adversely affect the financial or opera-

tional stability of the Conowingo Hydroelectric Project. Peco will continue to receive delivery of the project power at the Pennsylvania-Maryland state boundary and will continue to serve its existing customers and localities. The price to be paid by Peco to Pepco for the segment of transmission lines proposed to be sold is stated by Applicants to be an amount equivalent to the actual legitimate original cost thereof to the date of actual transfer less applicable depreciation reserve. This amount is estimated by Applicants to be approximately \$2,256,135 as of June 30, 1958. In connection with the proposed transaction, Pepco and The Susquehanna Power Company have filed an application for amendment of the license for Project No. 405.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 28th day of November 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIE,
Secretary.

[F. R. Doc. 58-9446; Filed, Nov. 13, 1958;
8:50 a. m.]

[Docket No. G-14893, etc.]

L. B. PORTER ET AL.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

NOVEMBER 6, 1958.

In the Matters of L. B. Porter,¹ Docket No. G-14893; Jefferson Lake Sulphur Company, Docket No. G-14895; Thomas N. Berry & Company,² Docket No. G-14901; Magnolia Petroleum Company,³ Docket No. G-14908; Magnolia Petroleum Company,⁴ Docket No. G-14913; Magnolia Petroleum Company,⁵ Docket No. G-14914; Scott Hammonds,⁶ Docket No. G-14919; Harrell Drilling Company, et al.,⁷ Docket No. G-14941; Graham-Michaels Drilling Company, Operator et al.,⁸ Docket No. G-14946; Skelly Oil Company,⁹ Docket No. G-14951; Hughes Seewald,¹⁰ Docket No. G-14953; Humble Oil & Refining Company,¹¹ Docket No. G-14995.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing each to render service as herein-after described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location; and
Purchaser

G-14893; Maxie & Pistol Ridge Field, Forrest & Pearl River Counties, Miss.; United Gas Pipe Line Co.

G-14895; Cabeza Creek Area, Gollad County, Tex.; United Gas Pipe Co.

G-14901; Moccasin Field, Beaver County, Okla.; Colorado Interstate Gas Co.

G-14908; Provident City Field, Colorado and Lavaca Counties, Tex.; Shell Oil Co.

G-14913; Haldon Field, Carter County, Okla.; All Star Gas Co.

G-14914; Panhandle Field, Gray and Carson Counties, Tex.; Phillips Petroleum Co.

G-14919; Puckett Field, Pecos County, Tex.; Permian Basin Pipeline Co.

G-14941; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.

G-14946; Panhandle Field, Hutchinson County, Tex.; The Shamrock Oil and Gas Corp.

G-14951; South Silva Field, Bee County, Tex.; Gas Gathering Co.

G-14953; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Co.

G-14995; Seven Sisters Field, Dural County, Tex.; Tennessee Gas Transmission Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 9, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIE,
Secretary.

¹ Application covers the proposed sale of natural gas pursuant to an amendatory agreement dated March 27, 1958 which adds additional acreage to and removes depth limit from a basic gas sales contract dated April 13, 1955. Applicant authorized to sell gas under the basic contract in Docket No. G-6710.

² The subject gas sales contract limits production to horizons below the base of the Mississippian Formation.

³ Application covers the sale of natural gas pursuant to a basic gas sales contract dated June 15, 1954, and two amendatory agreements dated July 6, 1955 and April 15, 1957 adding additional acreage thereto. Application states that production commenced from the acreage on April 14, 1955.

⁴ Application states that service commenced in March 1955.

⁵ Application states that service commenced on December 1, 1957.

⁶ Scott Hammonds is filing for his $\frac{1}{2}$ percent interest in the Moore Lease, production from which is to be sold under a ratification agreement dated April 1, 1958, of a basic contract dated February 8, 1952, as amended, between Phillips Petroleum Company (Seller) and Permian Basin Pipeline Company (Buyer). Both Applicant and Permian are signatory parties to the subject ratification agreement. Phillips was authorized in Docket No. G-2621 to sell gas under the basic contract.

⁷ Harrell Drilling Company (a partnership composed of H. M. Harrell, Jr., Clayton M. Harrell, John K. Harrell and James E. Harrell), H. G. Nelms and Coastal States Gas Producing Company are filing jointly for their interests in production from the Carroll G. Brown Gas Unit production from which is proposed to be sold to Coastal States Gas Producing Company under a gas sales contract dated February 1, 1958. All of the above-named individuals and Coastal States Gas Producing Company are signatory seller parties to the subject contract. It is noted that Coastal States Gas Producing Company, which company is also the purchaser, owns a 25 percent working interest in gas produced from the subject unit and has in the subject application requested authorization to sell its share of the gas. Such authorization is not required.

⁸ Graham-Michaels Drilling Company, Operator, a co-partnership consisting of William L. Graham, Majorie Lois Graham and W. A. Michaels, Jr., is filing for its 25 percent interest and for the 75 percent interest of King-Stevenson Oil Company, a partnership consisting of John W. King and Ben T. Stevenson. All above-named individuals are signatory seller parties to the subject gas sales contract.

⁹ Applicant to receive 85 percent of any revenues received by purchaser through resale of the subject gas which may exceed the price schedule of the subject gas sales contract.

¹⁰ Hughes Seewald is filing for his interest in production from the Frank Parks "A-1" Lease and is a signatory seller party to the gas sales contract dated April 7, 1958.

¹¹ Application covers the proposed sale of natural gas pursuant to an amendatory agreement dated April 14, 1958, which adds additional acreage to a basic contract dated August 1, 1952 as amended. Applicant authorized in Docket No. G-3072 to sell gas under the basic contract.

[F. R. Doc. 58-9447; Filed, Nov. 13, 1958;
8:50 a. m.]

[Docket No. G-16820]

MANUFACTURERS LIGHT AND HEAT CO.
ORDER PROVIDING FOR HEARING AND SUS-
PENDING PROPOSED REVISED TARIFF

NOVEMBER 6, 1958.

The Manufacturers Light and Heat Company (Manufacturers), on October 9, 1958, tendered for filing certain tariff sheets,¹ comprising its Rate Schedules CDS-1, CDS-PR, AOS-1, and SGS-1, proposing an annual increase in rates and charges of approximately \$1,336,476, or 4.5 percent, based on sales of natural gas for the 12-month period ended June 30, 1958, as adjusted. The proposed in-

¹ Consisting of First Revised Sheets Nos. 7, 8, 9, 12, 14, 15, and 27, and Second Revised Sheet No. 22, to its FPC Gas Tariff, Fourth Revised Volume No. 1.

crease is over and above the increased rates and charges being collected, since July 14, 1957, by Manufacturers, subject to refund of any excess charges if so ordered by the Commission in the proceedings in Docket No. G-12197. Manufacturers requests an effective date of November 9, 1958, for the proposed rate.²

In support of its proposed increase, Manufacturers submitted cost data for the year ended June 30, 1958, with adjustments. The adjustments reflect, inter alia, (1) increased costs of purchased gas, (2) increased payroll and employee benefits expense, (3) increased cost of transportation service, (4) increased depreciation rates, and (5) re-statement of the cost of service input and withdrawals. Manufacturers also claims a 6 1/4 percent rate of return and associated income taxes.

The proposed increased rates and charges have not been fully supported in several respects, including, but not limited to, dependence upon contingent or not yet filed rate increases of suppliers, proposed increase in rate of return, and depreciation rates.

Protests and requests for suspension of the proposed rate increase and for consolidation for hearing with the proceeding involving the rate increases proposed by Home Gas Company were received from Orange and Rockland Utilities, Inc.

The proposed changes in rates, charges, classifications, or services provided for in the tariff sheets tendered by Manufacturers on October 9, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1, as sought to be amended by the aforementioned revised tariff sheets, and that the above-designated tariff sheets and the rates proposed therein be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1, as sought to be amended by First Revised Sheets Nos. 7, 8, 9, 12, 14, 15, and 27, and Second Revised Sheet No. 22.

(B) Pending such hearing, and decision thereon, First Revised Sheets Nos.

² The proposed increases would be applicable to Manufacturers' sales of natural gas at wholesale for resale to 25 customers.

7, 8, 9, 12, 14, 15, and 27, and Second Revised Sheet No. 22 to Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1, are suspended and the use thereof deferred until April 9, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-9448; Filed, Nov. 13, 1958;
8:51 a. m.]

[Docket No. G-16805]

PURE OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

NOVEMBER 6, 1958.

The Pure Oil Company (Pure), on October 7, 1958¹ tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Magnolia Petroleum Company.
Rate schedule designation: Supplement No. 32 to Pure's FPC Gas Rate Schedule No. 11.

Effective date: October 7, 1958 (effective date is the day of filing).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. Pure states that it sells gas under the referenced rate schedule to Magnolia which company resells to Transcontinental Gas Pipe Line Corporation. Previously, Magnolia paid the gathering tax to the State of Louisiana for the account of Pure. Magnolia has advised that it will no longer make such payments. Pure tendered the aforementioned filings to recoup the tax increments. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

¹ Pure, on October 7, 1958, also completed a filing which reflects the Louisiana gas gathering tax which became effective as of June 23, 1954. Such is not the subject of this order.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 32 to Pure's FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 32 to Pure's FPC Gas Rate Schedule No. 11.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 8, 1958, and thereafter until such further time as made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-9449; Filed, Nov. 13, 1958;
8:51 a. m.]

[Docket No. G-16815]

UNITED FUEL GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEETS

NOVEMBER 6, 1958.

United Fuel Gas Company (United Fuel) on October 7, 1958, tendered for filing First Revised Sheets Nos. 8 and 9, Second Revised Sheets Nos. 7, 27 and 33, and Third Revised Sheet No. 22 to its FPC Gas Tariff, fifth Revised Volume No. 1; and Second Revised Sheet No. 19 to its FPC Gas Tariff, Original Volume No. 2, proposing an annual increase in its rates and charges of \$6,629,301, or 4.8 percent, based on sales for the year ended May 31, 1958.¹

In support of its proposed rate increase,² United Fuel submitted cost data

¹ Principally, United Fuel, among its 10 customers, supplies substantially all of the gas requirements of its two affiliates Kentucky Gas Transmission Corporation and Atlantic Seaboard Corporation and a large part of those of two other affiliates The Ohio Fuel Gas Company and The Manufacturers Light and Heat Company.

² The tendered filing would increase the rate now in effect subject to refund (since July 14, 1957) in Docket No. G-12195.

for a test year, with adjustments. The adjustments reflect (1) increased costs of purchased gas, (2) increased payroll and employees benefits expense, (3) increased cost of transportation service, (4) increased depreciation rates, and (5) restatement of the cost of storage input and withdrawals. United Fuel also claims a 6 3/4 percent rate of return and associated income taxes.

The supporting cost data submitted reflects that United Fuel has adjusted its actual purchased gas costs to reflect the following increases by its suppliers: (1) An expected \$462,200 increase which Champlin Oil and Refining Company advised it "will seek to make effective January 1, 1959" but which has not been filed, (2) an increase by Gulf Interstate Gas Company (Gulf) of \$723,700 per year for transportation service under its cost of service type rate schedule, because (a) the order in Docket No. G-12863 increasing Gulf's rate of return from 6 percent to 6 3/4 percent (\$370,092) and (b) an increase by Gulf due to salary adjustments, (3) increases totaling \$2,100,000 by all of United Fuel's independent producer suppliers pursuant to escalation clauses in their contracts, some of which are effective subject to refund and some of which have not been filed (United Fuel "anticipates" all such increases will be effective November 1, 1958), and (4) increases due to United Fuel's contract obligations to reimburse Louisiana suppliers for 3/4 of the additional 1 cent per Mcf gathering tax which became effective on August 1, 1958. United Fuel states that the 6 3/4 percent rate of return claimed is the minimum necessary (1) to assure investor's confidence in the financial integrity of the Columbia Gas System, Inc., so as to maintain its credit and to enable it to attract the capital necessary for meeting large and imminent capital requirements and (2) to prevent the confiscation of the property of present investors.

Since, the claimed increases in cost of purchased gas are based in a large measure on increases which have not been filed or which have been allowed to become effective subject to refund, United Fuel's claimed increases in cost of purchased gas is not supported. Further, the proposed increases are not supported to the extent of their dependence on increased rate of return, depreciation rates, increased cost of transportation service, restatement of storage costs, and claimed increased payroll expenses.

The increased rates and charges provided for in the revised tariff sheets tendered by United Fuel on October 7, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in United Fuel's FPC Gas Tariff, Fifth Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 8 and 9, Second Revised Sheets Nos.

7, 27 and 33, and Third Revised Sheet No. 22; and United Fuel's FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by Second Revised Sheet No. 19, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in United Fuel's FPC Gas Tariff, Fifth Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 8 and 9, Second Revised Sheets Nos. 7, 27 and 33, and Third Revised Sheet No. 22; and United Fuel's FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by Second Revised Sheet No. 19:

(B) Pending such hearing and decision thereon, United Fuel's proposed First Revised Sheets Nos. 8 and 9, Second Revised Sheets Nos. 7, 27 and 33, and Third Revised Sheet No. 22 to its FPC Gas Tariff, Fifth Revised Volume No. 1; and Second Revised Sheet No. 19 to its FPC Gas Tariff, Original Volume No. 2, be and they are each hereby suspended and the use thereof deferred until April 7, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-9450; Filed, Nov. 13, 1958;
8:51 a. m.]

[Docket No. G-16816]

KENTUCKY GAS TRANSMISSION CORP.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEETS

NOVEMBER 6, 1958.

Kentucky Gas Transmission Corporation (Kentucky) on October 7, 1958, tendered for filing First Revised Sheets Nos. 7, 8, 9, 12, 14, 15 and 27, and Second Revised Sheet No. 22 to its FPC Gas Tariff, First Revised Volume No. 1, proposing an annual increase in its rates and charges for jurisdictional sales of \$1,721,393, or 5.0 percent, based on sales for the year ended May 31, 1958.¹

In support of its proposed rate increase,² Kentucky submitted cost data

¹ Kentucky sells natural gas at wholesale for resale to ten customers in Kentucky and Ohio.

² The tendered filing would increase the rate now in effect subject to refund (since July 14, 1957) in Docket No. G-12199.

for a test year, with adjustments. The adjustments reflect (1) increased costs of purchased gas (2) increased payroll and employees benefits expense and (3) restatement of the cost of storage input and withdrawals. Kentucky also claims a 6 3/4 percent rate of return and associated income taxes.

The supporting cost data submitted by Kentucky shows adjustments to purchased gas costs reflecting either directly or indirectly the proposed increased rates filed by United Fuel Gas Company. Kentucky states that the 6 3/4 percent rate of return claimed is the minimum necessary (1) to assure investor's confidence in the financial integrity of Columbia Gas System, Inc., so as to maintain its credit and to enable it to attract the capital necessary for meeting large and imminent capital requirements and (2) to prevent the confiscation of the property of present investors.

Since Kentucky's proposed increase is based primarily on the increased rates and charges filed by its principal supplier, United Fuel Gas Company, which have not been shown to be justified and are being suspended concurrently herewith, Kentucky's filing is subject to the same suspension infirmity.

The increased rates and charges provided for in the revised tariff sheets tendered by Kentucky on October 7, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Kentucky's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 7, 8, 9, 12, 14, 15 and 27, and Second Revised Sheet No. 22, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Kentucky's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 7, 8, 9, 12, 14, 15 and 27, and Second Revised Sheet No. 22.

(B) Pending such hearing and decision thereon, Kentucky's proposed First Revised Sheets Nos. 7, 8, 9, 12, 14, 15 and 27, and Second Revised Sheet No. 22 to its FPC Gas Tariff, First Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until April 7, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9451; Filed, Nov. 13, 1958;
8:51 a. m.]

[Docket No. G-16817]

ATLANTIC SEABOARD CORP.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEETS
NOVEMBER 6, 1958.

Atlantic Seaboard Corporation (Atlantic) on October 7, 1958, tendered for filing First Revised Sheets Nos. 7, 8, 9, 12, 13, 14, 16A, 16C, 16D, 17A, 17C, 17D, 26 and 28, and Second Revised Sheets Nos. 22 and 24 to its FPC Gas Tariff, Seventh Revised Volume No. 1; and Fifth Revised Sheet No. 54 to its FPC Gas Tariff, Original Volume No. 2, proposing an annual increase in its rates and charges for jurisdictional sales of \$2,221,941, or 3.4 percent, based on sales for the year ended May 31, 1958.¹

In support of its proposed rate increase,² Atlantic submitted cost data for a test year with adjustments. The adjustments reflect (1) increased costs of purchased gas (2) increased payroll and employees benefits expense and (3) re-statement of the cost of storage input and withdrawals. Atlantic also claims a 6% percent rate of return and associated income taxes.

The supporting cost data submitted by Atlantic shows adjustments to purchased gas costs reflecting either directly or indirectly the proposed increased rates filed by United Fuel Gas Company. Atlantic states that the 6% percent rate of return claimed is the minimum necessary (1) to assure investor's confidence in the financial integrity of Columbia Gas System, Inc., so as to maintain its credit and to enable it to attract the capital necessary for meeting large and imminent capital requirements and (2) to prevent the confiscation of the property of present investors.

Since Atlantic's proposed increase is based primarily on the increased rates and charges filed by its supplier, United Fuel Gas Company, which have not been shown to be justified and are being suspended concurrently herewith, Atlantic's filing is subject to the same suspension infirmity.

The increased rates and charges provided for in the revised tariff sheets tendered by Atlantic on October 7, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Atlantic's FPC Gas Tariff, Seventh Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 7, 8, 9, 12, 13, 14, 16A, 16C, 16D, 17A, 17C, 17D, 26 and 28, and Second Revised Sheets Nos. 22 and 23; and Atlantic's FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by Fifth Revised Sheet No. 54, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Atlantic's FPC Gas Tariff, Seventh Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 7, 8, 9, 12, 13, 14, 16A, 16C, 16D, 17A, 17C, 17D, 26 and 28, and Second Revised Sheets Nos. 22 and 24; and Atlantic's FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by Fifth Revised Sheet No. 54.

(B) Pending such hearing and decision thereon, Atlantic's proposed First Revised Sheets Nos. 7, 8, 9, 12, 13, 14, 16A, 16C, 16D, 17A, 17C, 17D, 26 and 28, and Second Revised Sheets Nos. 22 and 24 to its FPC Gas Tariff, Seventh Revised Volume No. 1; and Fifth Revised Sheet No. 54 to its FPC Gas Tariff, Original Volume No. 2, be and they are each hereby suspended and the use thereof deferred until April 7, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9452; Filed, Nov. 13, 1958;
8:51 a. m.]

[Docket No. G-16818]

OHIO FUEL GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF

NOVEMBER 6, 1958.

The Ohio Fuel Gas Company (Ohio Fuel) on October 10, 1958, tendered for filing Third Revised Volume No. 1 of its FPC Gas Tariff, proposing an annual increase in its rates and charges, for sales subject to the jurisdiction of the Commission, of \$2,923,655, or 4.8 percent,

based on sales for the year ended June 30, 1958.

In support of its proposed rate increase, Ohio Fuel submitted cost data for a test year, with adjustments. The adjustments reflect (1) increased costs of purchased gas, (2) increased payroll and employees benefits expense, (3) increased cost of transportation service, (4) increased depreciation rates, and (5) a re-statement of the cost of storage input and withdrawals. Ohio Fuel also claims a 6% percent rate of return and associated income taxes.

The supporting cost data submitted by Ohio Fuel shows adjustments to purchased gas costs reflecting either directly or indirectly the increased rates proposed by its affiliates, United Fuel Gas Company and The Manufacturers Light and Heat Company. In addition, Ohio Fuel claims increased purchased gas costs reflecting the increased rates of Texas Gas Transmission Corporation, Texas Eastern Transmission Corporation and Panhandle Eastern Pipe Line Company, respectively in effect subject to refund in Docket Nos. G-16405, G-12706 and G-14755, as well as increased rates by independent producers which have not yet been tendered for filing.

Ohio Fuel states that the 6% percent rate of return claimed is the minimum necessary (1) to assure investors' confidence in the financial integrity of the Columbia Gas System, Inc., Ohio Fuel's parent, so as to maintain its credit and to enable it to attract the capital necessary for meeting large and imminent capital requirements and (2) to prevent the confiscation of the property of present investors.

Since the claimed increases in the cost of purchased gas are based (1) in part on the increased rates and charges filed by United Fuel Gas Company and The Manufacturers Light and Heat Company, which have not been shown to be justified and are being suspended concurrently herewith, and (2) in part on suppliers' increased rates which are in effect subject to refund or have not yet been tendered for filing, Ohio Fuel cannot at present support the claimed increases in cost of purchased gas.

The increased rates and charges provided for in the tariff tendered by Ohio Fuel on October 10, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications and services contained in Ohio Fuel's FPC Gas Tariff, Third Revised Volume No. 1 and that said tariff and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on

¹ Atlantic sells natural gas at wholesale for resale to 12 customers in Virginia, Maryland, District of Columbia, Kentucky, West Virginia and Pennsylvania.

² The tendered filing would increase the rate now in effect subject to refund (since July 14, 1957) in Docket No. G-12196.

a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in Ohio Fuel's FPC Gas Tariff, Third Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Ohio Fuel's FPC Gas Tariff, Third Revised Volume No. 1, hereby is suspended and the use thereof deferred until April 10, 1959, and until such further time as it might be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-9453; Filed, Nov. 12, 1958;
8:52 a. m.]

[Docket No. G-16919]

HOME GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF

NOVEMBER 6, 1958.

The Home Gas Company (Home), on October 9, 1958, tendered for filing certain tariff sheets, comprising its Rate Schedules CDS-1, CDS-PR, and AOS-1, proposing an annual increase in rates and charges of approximately \$752,450, or 6.7 percent, based on sales of natural gas for the 12-month period ended June 30, 1958, as adjusted. The proposed increase is over and above the increased rates and charges being collected, since July 14, 1957, by Home, subject to refund of any excess charges if so ordered by the Commission in the proceedings in Docket No. G-12198. Home requests an effective date of November 9, 1958, for the proposed rate.²

In support of its proposed increase, Home submitted cost data for the year ended June 30, 1958, with adjustments. The adjustments reflect, inter alia, (1) increased costs of purchased gas, (2) increased payroll and employee benefits expense, (3) increased cost of transportation service, (4) increased depreciation rates, and (5) restatement of the cost of service input and withdrawals. Home also claims a 6¼ percent rate of return and associated income taxes.

The proposed increased rates and charges have not been fully supported in several respects, including, but not limited to, dependence upon contingent or not yet filed rate increases of suppliers, proposed increase in rate of return, and depreciation rates.

Protests and requests for suspension of the proposed rate increase and for consolidation for hearing with the proceeding involving the rate increases proposed

¹Consisting of First Revised Sheets Nos. 7, 8, 9, 12, 14, and 15, and Second Revised Sheet No. 22 to its FPC Gas Tariff, Third Revised Volume No. 1.

²The proposed increases would apply to Home's sales of natural gas at wholesale for resale to its six customers.

by The Manufacturers Light and Heat Company were received from Orange and Rockland Utilities, Inc.

The proposed changes in rates, charges, classification, or services provided for in the tariff sheets tendered by Home on October 9, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Home's FPC Gas Tariff, Third Revised Volume No. 1, as sought to be amended by the aforementioned revised tariff sheets, and that such revised tariff sheets and the rates proposed therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Home's FPC Gas Tariff, Third Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 7, 8, 9, 12, 14, and 15, and Second Revised Sheet No. 22.

(B) Pending such hearing, and decision thereon, First Revised Sheets Nos. 7, 8, 9, 12, 14, and 15, and Second Revised Sheet No. 22 to Home's FPC Gas Tariff, Third Revised Volume No. 1, are suspended and the use thereof deferred until April 9, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P. R. Doc. 58-9454; Filed, Nov. 13, 1958;
8:52 a. m.]

[Docket No. G-16955]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

NOVEMBER 6, 1958.

Magnolia Petroleum Company (Magnolia) on October 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 169.

Effective date: November 7, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 393), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final decision, it is deemed advisable to suspend the said proposed increased rate and charge until November 8, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Magnolia shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 169 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Magnolia's proposed increased rate be made effective as hereinafter provided, and that Magnolia be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 169.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until November 8, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 169 shall be effective as of November 8, 1958; *Provided, however*, That within 20 days from the date of this order, Magnolia shall execute and file with the Secretary of the Commission the agree-

ment and undertaking described in paragraph (E) below.

(D) Magnolia shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Magnolia herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Magnolia shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Magnolia so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Magnolia shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the Company, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Magnolia Petroleum Company To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued _____, in Docket No. G-16855, Magnolia Petroleum Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolutions of its Board of Directors, a certified copy of which is appended hereto this _____ day of _____ 19____.

MAGNOLIA PETROLEUM COMPANY,

By _____

Attest:

Unless Magnolia is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Magnolia shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,

Secretary.

[F. R. Doc. 58-9455; Filed, Nov. 13, 1958; 8:52 a. m.]

[Docket No. G-16797]

AMBASSADOR OIL CORP.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

NOVEMBER 7, 1958.

Ambassador Oil Corporation (Ambassador), on October 13, 1958, tendered for filing four proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Supplemental Agreement dated August 22, 1958. (2) Notice of Change, Undated. (3) Supplemental Agreement dated August 22, 1958. (4) Notice of Change, Undated.

Purchaser: Kansas-Nebraska Natural Gas Company, Inc.

Rate schedule designations: (1) Supplement No. 3 to Ambassador's FPC Gas Rate Schedule No. 1. (2) Supplement No. 4 to Ambassador's FPC Gas Rate Schedule No. 1. (3) Supplement No. 2 to Ambassador's FPC Gas Rate Schedule No. 2. (4) Supplement No. 3 to Ambassador's FPC Gas Rate Schedule No. 2.

Effective date: November 13, 1958 (effective date is the first day after the expiration of the required thirty days' notice).

In support of the proposed increases Ambassador states that: the price re-determination, provided by contract at five-year intervals, are fair and equitable to the buyer, the seller and the consumer; the increase is no more than necessary to encourage exploration and development; the amendatory agreements provide for a heating value of 1,000 Btu's per cubic foot in lieu of 950 Btu's; and the total increase is insignificant and would have little or no effect on prices charged the ultimate consumer.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreason-

able, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Ambassador's FPC Gas Rate Schedule No. 1, Supplement No. 4 to Ambassador's FPC Gas Rate Schedule No. 1, Supplement No. 2 to Ambassador's FPC Gas Rate Schedule No. 2 and Supplement No. 3 to Ambassador's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Ambassador's FPC Gas Rate Schedule No. 1, Supplement No. 4 to Ambassador's FPC Gas Rate Schedule No. 1, Supplement No. 2 to Ambassador's FPC Gas Rate Schedule No. 2 and Supplement No. 3 to Ambassador's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they each hereby are suspended and the use thereof deferred until April 13, 1959, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL]

JOSEPH H. GUTRIDE,

Secretary.

[F. R. Doc. 58-9456; Filed, Nov. 13, 1958; 8:52 a. m.]

[Docket No. G-16798]

M. H. MARR

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

NOVEMBER 7, 1958.

M. H. Marr (Marr) on October 10, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, Undated. Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 5 to Marr's FPC Gas Rate Schedule No. 1.
Effective date: November 10, 1958 (effective date is the first day after the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and that only such tax increment of the proposed increased rate shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Marr's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Marr's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until November 11, 1958, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9457; Filed, Nov. 13, 1958; 8:52 a. m.]

¹ Rate schedule in effect subject to refund in Docket No. G-15732.

[Docket No. G-16799]

RIMROCK TIDELANDS, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 7, 1958.

Rimrock Tidelands, Inc. (Rimrock) on October 13, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, Undated.
Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 3 to Rimrock's FPC Gas Rate Schedule No. 2.

Effective date: December 21, 1958 (proposed effective date is that proposed by Rimrock).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and that only such tax increment of the proposed increased rate shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Rimrock's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Rimrock's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until December 22, 1958, and thereafter until such further time as it

¹ Present rate schedule in effect subject to refund in Docket No. G-15614.

is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9458; Filed, Nov. 13, 1958; 8:52 a. m.]

[Docket No. G-16800]

WOODLEY PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 7, 1958.

Woodley Petroleum Company (Woodley), on October 13, 1958, tendered for filing a proposed change in its presently filed rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated October 7, 1958.

Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Woodley's FPC Gas Rate Schedule No. 8.

Effective date: December 1, 1958 (proposed effective date is that proposed by Woodley).

In support of the proposed increase, Woodley states that its costs of exploration, development, production and marketing are constantly increasing and the proposed rate represents the current market value of the gas delivered.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 3 to Woodley's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3

to Woodley's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9459; Filed, Nov. 13, 1958;
8:53 a. m.]

[Docket No. G-16804]

TEXACO SEABOARD, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 7, 1958.

Texaco Seaboard, Inc. (Texaco) on October 9, 1958, tendered for filing a proposed change in its presently filed rate schedules for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, Undated.
Purchaser: West Lake Natural Gasoline Company.
Rate schedule designation: Supplement No. 1 to Texaco's FPC Gas Rate Schedule No. 25.

Effective date: November 9, 1958 (proposed effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed increase Texaco states that the increase is justified by reason of the increasing costs of development, operation and maintenance and the increases in exploratory costs due to deeper drilling, drilling in more inaccessible places and the diminishing frequency of successful discoveries. Texaco requests an effective date of January 1, 1958, but does not show good cause for waiver of notice.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Texaco's FPC Gas Rate Schedule No. 25 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 1 to Texaco's FPC Gas Rate Schedule No. 25.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9460; Filed, Nov. 13, 1958;
8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12024 etc.; FCC 58-1044]

RUSSELL G. SALTER, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Russell G. Salter, Inc., Dixon, Illinois, Docket No. 12024, File No. BP-10858; David M. Taylor, tr/as Dixon Broadcasting Co., Dixon, Illinois, Docket No. 12652, File No. BP-11298; WRAC, Inc. (WRAC), Racine, Wisconsin, Docket No. 12653, File No. BP-11946; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1958;

The Commission having under consideration the above-captioned applications of Russell G. Salter, Inc., and of David M. Taylor tr/as Dixon Broadcasting Co., each for a construction permit to operate on 1460 kilocycles with a power of one kilowatt, directional antenna, daytime only, at Dixon, Illinois; and of WRAC, Inc., for a construction permit to move the transmitter site of Station WRAC, Racine, Wisconsin, to increase antenna height and radiation, and to continue operation on the presently assigned frequency of 1460 kilocycles with a power of 500 watts, daytime only;

It appearing, that, except as indicated by the issues specified below, all the applicants are legally, technically, finan-

cially and otherwise qualified to operate the stations as proposed but the simultaneous operation of the proposals of Russell G. Salter, Inc., and David M. Taylor would result in mutually destructive interference; that the proposed operation of WRAC would cause interference to the other two proposals; the proposed operation of Russell G. Salter, Inc., would cause interference to the proposed operation of Station WRAC; that the proposed operation of WRAC would increase the interference to Station WBKV, West Bend, Wisconsin (1470kc, 500w, Day); that the transmitter site proposed by WRAC is not acceptable to the Regional Air Space Subcommittee and that, therefore, it has not been determined whether the proposed site would meet the requirements of the Commission's Rules and whether the antenna would constitute a hazard to air navigation; and that Russell G. Salter, president of Russell G. Salter, Inc., has alleged that the application of David M. Taylor was filed primarily to hamper the granting of the [Salter] application so as to "keep [Salter] out of competition in the area" and that Taylor in reply to said matter has indicated that his application was filed to provide a broadcast service for the people of the area and that he will move to Dixon to build and operate the proposed station; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated August 26, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that all applicants filed timely replies to the Commission's letter; and

It further appearing, that the licensee of Station WBKV by letter of August 28, 1958, acknowledged the receipt of a copy of the Commission's letter of August 26, 1958; and

It further appearing, that Russell G. Salter has utilized field intensity measurements made on Station WRAC in 1956 to establish the extent of WRAC's normally protected 0.5 mv/m contour, but that data in the Commission's files indicate that changes made in the WRAC antenna system subsequent to 1956 may have affected the operation of WRAC to the extent that 1956 field intensity measurements do not accurately depict the extent of the present WRAC service area and, as a result, the proposal of Russell G. Salter, Inc., may cause interference to the existing operation of WRAC; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Russell G. Salter, Inc., and David M. Taylor and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WRAC as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Russell G. Salter, Inc., would cause objectionable interference to the existing operation of Station WRAC, Racine, Wisconsin, or with any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of Station WRAC would cause objectionable interference to Station WBKV, West Bend, Wisconsin, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

5. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the antenna site of WRAC would meet the requirements of § 3.188 of the Commission's rules with respect to location and whether the proposed antenna system would constitute a hazard to air navigation.

7. To determine the circumstances surrounding the filing of the application of David M. Taylor and whether said application was filed for the purpose of impeding, obstructing or delaying determination on the application of Russell G. Salter, Inc.

8. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine on a comparative basis, in the event that, pursuant to the foregoing issue, Dixon, Illinois, is considered to have the greater need for either the operation proposed by Russell G. Salter, Inc., or the operation proposed by David M. Taylor tr/as Dixon Broadcasting Co., which of the said two proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience having a bearing on the applicant's ability to own and operate the proposed standard broadcast station,

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

10. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That the West Bend Broadcasting Co., licensee of Station WBKV, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9465; Filed, Nov. 13, 1958;
8:54 a. m.]

[Docket No. 12352; FCC 58M-1256]

CHARLIE KULLMAN

ORDER CONTINUING HEARING

In the matter of Charlie Kullman, P. O. Box 243, Aransas Pass, Texas; Order to show cause why there should not be revoked the license for Radio Station WB-9777 aboard the vessel "Hustler".

The Hearing Examiner having under consideration a letter dated October 21, 1958, from Charlie Kullman stating, among other things, that "I should like to waive my rights to appear at this hearing since I am financially unable to do so";

It appearing that a hearing in this matter is currently scheduled for November 12, 1958, and that to proceed with such hearing would now amount to a futility in view of the provisions of § 1.62 (f) of the rules;

It is ordered, This 7th day of November 1958, that the hearing is continued indefinitely from November 12, 1958 pending the release of an Initial Decision.

Released: November 7, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9466; Filed, Nov. 13, 1958;
8:54 a. m.]

[Docket No. 12646; FCC 58M-1255]

SUPREME BROADCASTING Co., Inc.

ORDER SCHEDULING PREHEARING
CONFERENCE

In re application of Supreme Broadcasting Company, Inc. (KK2XFW) Channel 12, New Orleans, Louisiana, Docket No. 12646, File No. BMPEX-49; for modification of Construction Permit (BPEX-144) for an experimental television broadcast station.

It is ordered, This 6th day of November 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a. m., November 24, 1958, in the Commission's offices in Washington, D. C.

Released: November 7, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9467; Filed, Nov. 13, 1958;
8:54 a. m.]

[Docket Nos. 12654, 12655; FCC 58-1045]

OLD BELT BROADCASTING CORP. (WJWS)
AND JOHN LAURINO (NEW)

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Old Belt Broadcasting Corporation (WJWS), South Hill, Virginia, Docket No. 12654, File No. BP-11412; John Laurino (NEW), Scotland Neck, North Carolina, Docket No. 12655, File No. BP-12109; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1958;

The Commission having under consideration the above captioned applications of the Old Belt Broadcasting Corporation, licensee of WJWS (1370kc, 1kw, Day), for a construction permit to change its existing frequency to 1280 kilocycles, increase operating power to 5 kilowatts and install a new transmitter; and of John Laurino for a construction permit for a new standard broadcast station to operate on 1280 kilocycles with a power of 5 kilowatts, daytime only, at Scotland Neck, North Carolina;

It appearing, that, except as indicated by the issues specified below, the applicants are legally, technically, financially and otherwise qualified to construct and operate the stations as proposed but that the operation of Station WJWS as proposed, and the proposed operation of John Laurino are mutually exclusive; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated September 11, 1958, of the aforementioned deficiency; and

It further appearing, that a timely reply was received from each of the applicants; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be expected to gain or lose primary service from the proposed operation of Station WJWS and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operation of John Laurino and the availability of other primary service to such areas and populations.

3. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in this application will be effectuated.

Released: November 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9469; Filed, Nov. 13, 1958;
8:54 a. m.]

[Docket No. 12656 etc.; FCC 58-1047]

KPOJ, Inc., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of: KPOJ, Inc., Portland, Oregon, Docket No. 12656, File No. BPCT-2464; Fisher Broadcasting Company, Portland, Oregon, Docket No. 12657, File No. BPCT-2474; Tribune Publishing Company, Portland, Oregon, Docket No. 12658, File No. BPCT-2534; for construction permits for new television broadcast stations.

No. 223-7

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1958:

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Portland, Oregon; and

It appearing, that these applications are mutually exclusive in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications are mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications, and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the above-named applicants is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of KPOJ, Inc., Fisher Broadcasting Company and Tribune Publishing Company are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard KPOJ, Inc., Fisher Broadcasting Company and Tribune Publishing Company

pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9469; Filed, Nov. 13, 1958;
8:54 a. m.]

TARIFF COMMISSION

TISSUE PAPER FROM FINLAND

DETERMINATION UNDER ANTIDUMPING ACT

NOVEMBER 10, 1958.

On August 13, 1958, the United States Tariff Commission received advice from the Treasury Department that "tissue paper, sulphite, machine glazed, bleached and unbleached, weighing less than 10 pounds per ream of 288,000 square inches," imported from Finland is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921.

After investigation in accordance with the provisions of section 201 (a) of the said Antidumping Act (Investigation No. 9), the Commission determined unanimously that an industry in the United States is not being, and is not likely to be, injured or prevented from being established by reason of the importation of such tissue paper at less than "fair value." The reasons for the Commission's determination are set forth below.

United States imports from Finland of tissue paper covered by this investigation have been very small in actual quantity, as well as relative to domestic production of directly competitive papers. Most of the Finnish tissue paper that has been sold at less than "fair value" in the United States has been wrapping tissue. At their highest annual level, imports of wrapping tissue from Finland supplied only about 2 percent of United States consumption of such tissue paper. Sales to the United States of other kinds of Finnish tissue paper at less than "fair value" have been negligible. In the foreseeable future, moreover, it appears unlikely, from evidence available to the Commission, that imports from Finland of the tissue paper here considered will account for a materially larger share of United States consumption of such paper than they do currently.

The prices of Finnish tissue paper covered by this investigation have been competitive with the prices of the bulk of domestically produced tissue paper of comparable grades. Although premium-quality tissue paper of domestic manufacture has sold at higher prices than the imported tissue, Finnish tissue paper has generally entered the United States market at prices well above the lowest prices of comparable grades of domestic tissue paper.

No convincing evidence was obtained during the course of this investigation to indicate that the sales of tissue paper to the United States at less than "fair value" by Finland were predatory in motivation. On the contrary, the prices at which Finnish tissue paper has entered the United States market clearly suggest a lack of predatory intent.

This determination and the statement of reasons therefor are published pursuant to section 201 (c) of the Anti-dumping Act, 1921, as amended.

[SEAL]

DONN N. BENT,
Secretary.[P. R. Doc. 58-9441; Filed, Nov. 13, 1958;
8:49 a. m.]

TISSUE PAPER FROM NORWAY

DETERMINATION UNDER ANTIDUMPING ACT

NOVEMBER 10, 1958.

On August 13, 1958, the United States Tariff Commission received advice from the Treasury Department that "tissue paper, sulphite, machine glazed, bleached and unbleached, weighing less than 10 pounds per ream of 288,000 square inches," imported from Norway is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921.

After investigation in accordance with the provisions of section 201 (a) of the said Antidumping Act (Investigation No. 10), the Commission determined unambiguously that an industry in the United States is not being, and is not likely to be, injured or prevented from being established by reason of the importation of such tissue paper at less than "fair value." The reasons for the Commission's determination are set forth below.

United States imports from Norway of tissue paper covered by this investigation have been very small in actual quantity, as well as relative to domestic production of directly competitive papers. Most of the Norwegian tissue paper that has been sold at less than "fair value" in the United States has been wrapping tissue. At their highest annual level, imports of wrapping tissue from Norway supplied only about 1 percent of United States consumption of such tissue paper. Sales to the United States of other kinds of Norwegian tissue paper at less than "fair value" have been negligible. In the foreseeable future, moreover, it appears unlikely, from evidence available to the Commission, that imports from Norway of the tissue paper here considered will account for a materially larger share of United States consumption of such paper than they do currently.

The prices of Norwegian tissue paper covered by this investigation have been competitive with the prices of the bulk of domestically produced tissue paper of comparable grades. Although premium-quality tissue paper of domestic manufacture has sold at higher prices than the imported tissue, Norwegian tissue paper has generally entered the United States market at prices well above the lowest prices of comparable grades of domestic tissue paper.

No convincing evidence was obtained during the course of this investigation to indicate that the sales of tissue paper to the United States at less than "fair value" by Norway were predatory in motivation. On the contrary, the prices at which Norwegian tissue paper has entered the United States market clearly suggest a lack of predatory intent.

This determination and the statement of reasons therefor are published pursuant to section 201 (c) of the Anti-dumping Act, 1921, as amended.

[SEAL]

DONN N. BENT,
Secretary.[P. R. Doc. 58-9442; Filed, Nov. 13, 1958;
8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Lee County, Tupelo, Miss., effective 11-8-58 to 11-7-59 (western and work shirts).

Burnley Shirt Corp., 502-22d Avenue South, Meridian, Miss., effective 11-3-58 to 11-2-59 (men's dress and sport shirts).

Cluett, Peabody & Co., Inc., Eagle Building, Shamokin, Pa., effective 11-4-58 to 11-3-59 (men's sport shirts).

Continental Manufacturing Co., Knoxville, Iowa, effective 11-5-58 to 11-4-59 (single pants and allied garments).

Continental Manufacturing Co., Oskaloosa, Iowa, effective 11-1-58 to 10-31-59 (single pants, jackets and allied garments).

Corman & Wasserman, Inc., 1220 Curtain Avenue, Baltimore, Md., effective 11-1-58 to 10-31-59 (men's trousers).

Crisfield Shirt & Pajama Co., Crisfield, Md., effective 11-3-58 to 11-2-59 (boys' cotton shirts).

Dixie Manufacturing Co., Plant No. 2, Bailey Street, Columbia, Tenn., effective

11-12-58 to 11-11-59 (men's and boys' dungarees).

Hubbard Pants Co., Bremen, Ga., effective 11-1-58 to 10-31-59 (men's and boys' dress slacks).

Key Work Clothes, Inc., Fort Scott, Kans., effective 10-31-58 to 10-30-59 (bib overalls, overall jackets and lined work jackets, etc.).

Key Work Clothes of Missouri, Nevada, Mo., effective 11-1-58 to 10-31-59 (work pants and shirts).

Knickerbocker Manufacturing Co., West Point, Miss., effective 10-31-58 to 10-30-59; workers engaged in the manufacture of men's woven sleepwear (men's woven sleepwear).

Lexington Manufacturing Co., 129-131 East Second Avenue, Lexington, N. C., effective 11-1-58 to 10-31-59 (men's and boys' sport shirts).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn., effective 11-5-58 to 11-4-59 (men's dress and sport shirts).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill., effective 11-1-58 to 10-31-59 (men's trousers, semi-dress slacks).

Milan Shirt Manufacturing Co., Milan, Tenn., effective 11-4-58 to 11-3-59 (cotton work shirts, cotton and rayon western shirts).

Nettleton Garment Co., Nettleton, Miss., effective 10-27-58 to 10-26-59 (men's and boys' cotton work pants).

Reliance Manufacturing Co., Factory No. 45, Bonne Terre, Mo., effective 10-31-58 to 10-30-59; learners may not be employed at special minimum wage rates in the production of separate skirts (women's sportswear—blouses, shorts, pedal-pushers, slacks).

Salant & Salant, Inc., First Street, Lexington, Tenn., effective 11-9-58 to 11-8-59 (boys' cotton work shirts).

Salant & Salant, Inc., Pine Street, Lexington, Tenn., effective 11-6-58 to 11-5-59 (men's and boys' cotton work shirts).

Salant & Salant, Inc., Obion, Tenn., effective 11-9-58 to 11-8-59 (boys' cotton work shirts).

Salant & Salant, Inc., Washington Street, Paris, Tenn., effective 11-9-58 to 11-8-59 (men's and boys' cotton sport and work shirts).

Salant & Salant, Inc., Tennessee Avenue, Parsons, Tenn., effective 11-8-58 to 11-7-59 (men's and boys' cotton work pants).

Salant & Salant, Inc., Troy, Tenn., effective 11-7-58 to 11-6-59 (boys' cotton work shirts).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind., effective 10-31-58 to 10-30-59; workers engaged in the manufacture of men's service uniforms (washable service uniforms for men in hotels, restaurants, etc.).

Shane Uniform Co., 2015 West Maryland Street, Evansville, Ind., effective 10-31-58 to 10-30-59; workers engaged in the production of women's service uniforms (washable service apparel—uniforms for women in hotels, restaurants, etc.).

Silver Manufacturing Co., 1405 East Columbus Drive, Indiana Harbor, Ind., effective 11-1-58 to 10-31-59 (men's slacks, jeans, and walkers).

Spartans Manufacturing Co., Inc., Smithville, Tenn., effective 11-1-58 to 10-31-59 (men's and boys' sport shirts).

Waldon Manufacturing Co., Inc., Box 915, Walnut, Miss., effective 10-25-58 to 10-24-59 (men's and boys' outerwear).

Walhallia Garment Co., Inc., Walhallia, S. C., effective 11-1-58 to 10-31-59 (wash dresses).

Wentworth Manufacturing Co., Blanding Street, Lake City, S. C., effective 11-1-58 to 10-31-59 (women's cotton housedresses).

The following certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Erma's Inc., Mooresville, N. C.; effective 10-30-58 to 10-29-59; 10 learners (ladies' robes and dusters).

Jeff's Garment Co., Inc., Lawrenceville, Va.; effective 11-6-58 to 11-5-59; 5 learners (children's cotton dresses).

Gasper La Pata & Co., 14-16 Bush Avenue, Staten Island, N. Y.; effective 10-28-58 to 4-27-59; 5 learners (pants).

The Loudoun Manufacturing Co., Emmitsburg Manufacturing Co. Division, Emmitsburg, Md.; effective 11-1-58 to 10-31-59; 10 learners (men's trousers).

Manchester Pants Co., Manchester, Md.; effective 11-7-58 to 11-6-59; 10 learners (men's trousers).

Nadine Fashions, 42 River Street, Carbondale, Pa.; effective 10-31-58 to 10-30-59; 6 learners (ladies' and misses' dresses).

Prairie Manufacturing Co., East Prairie, Mo.; effective 11-1-58 to 10-31-59; 10 learners (men's and boys' work and semi-dress pants).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa.; effective 10-29-58 to 10-28-59; 10 learners (women's and misses' dresses).

Wolens Trouser Co., 6 West Fifth Street, Sterling, Ill.; effective 11-1-58 to 10-31-59; 5 learners (women's slacks; men's and boys' slacks).

Wonder Maid, Inc., 315 Elm Street, Washington, Mo.; effective 11-3-58 to 11-2-59; 10 learners (women's slaps).

The following certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

C. B. S. Dress Co., Inc., 101-117 Third Street, Henderson, Ky.; effective 10-27-58 to 4-26-59; 15 learners (ladies' cotton dresses).

International Latex Corp., LaGrange, Ga.; effective 10-27-58 to 4-26-59; 50 learners (brasieres).

Pickens Manufacturing Co., Pickens, S. C.; effective 11-3-58 to 5-2-59; 25 learners (men's dress and sport shirts; ladies' blouses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

The following learner certificates were issued authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Adams-Mills Corp., 400 English Street, 710 Grimes Street, High Point, N. C.; effective 10-31-58 to 10-30-59 (seamless).

Francis-Louise Full Fashion Mills, Inc., Valdese, N. C.; effective 10-30-58 to 10-29-59 (full-fashioned, seamless).

Mary Grey Hosiery Mills, Bristol, Va.; effective 10-31-58 to 10-30-59 (full-fashioned, seamless).

Wm. G. Leininger Knitting Co., Mohnton, Pa.; effective 10-31-58 to 10-30-59 (seamless).

Princeton Hosiery Mills, Princeton, Ky.; effective 10-30-58 to 10-29-59 (seamless).

Russell Hosiery Mills, Inc., Drawer 128, Star, N. C.; effective 10-31-58 to 10-30-59 (seamless).

Hansen Hosiery Mills, Inc., 176 South Coldbrook Avenue, Chambersburg, Pa.; effective 10-31-58 to 10-30-59; 5 learners for normal labor turnover purposes (full-fashioned).

C. W. Anderson Hosiery Co., E. Carolina, Clinton, S. C.; effective 10-31-58 to 4-30-59; 10 learners for plant expansion purposes (full-fashioned, seamless).

Charles H. Bacon Co., Loudon, Tenn.; effective 11-3-58 to 5-2-59; 25 learners for plant expansion purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dothan Manufacturing Co., Dothan, Ala.; effective 10-24-58 to 10-23-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear, pajamas).

Iredell Knitting Mills, Inc., Statesville, N. C.; effective 11-3-58 to 5-2-59; 50 learners for plant expansion purposes (knitted and woven garments for men, women and children).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 10-31-58 to 10-30-59; 5 percent of the total number of factory production workers engaged in the manufacture of men's woven underwear for normal labor turnover purposes (men's woven underwear).

States Textile Corp., 15 North Main Street, Carbondale, Pa.; effective 10-27-58 to 4-26-59; 5 learners for plant expansion purposes (men's cotton knit undershirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Hickey-Freeman Co., 1155 Clinton Ave., No., Rochester, N. Y.; effective 10-29-58 to 4-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of hand sewer, finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (suits, overcoats, topcoats, sport coats and slacks).

The following certificates were issued in Puerto Rico to the companies herein-after named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Endevco, Inc., Caparra Heights, P. R.; effective 10-21-58 to 4-20-59; 6 learners for plant expansion purposes in the occupation of instrument workers for a learning period of 480 hours at the rates of 70 cents for the first 240 hours and 80 cents an hour for the remaining 240 hours (accelerometers).

General Electric Instrument Corp., Caguas, P. R.; effective 10-16-58 to 4-15-59; 62 learners for plant expansion purposes in the occupations of, sub assembly and final assembly of: small panel instruments, exposure meters and small portable instruments, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (electric instruments).

General Electric Wiring Devices, Inc., Juana Diaz, P. R.; effective 10-20-58 to 4-19-59; 20 learners for plant expansion purposes in the occupations of molders, assemblers, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (electrical wiring devices).

Makres, Inc., San Juan, P. R.; effective 10-18-58 to 4-17-59; 25 learners for plant expansion purposes in the occupations of: (1) sewing machine operators: single needle, double needle, zig-zag, fagotting, feather stitch, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garment for a learning period of 160 hours at the rate of 60 cents an hour (girdles, corsets and allied products).

Precision Miniature Balls, Inc., Santurce, P. R.; effective 10-14-58 to 10-13-59; 5 learners for normal labor turnover purposes in the occupations of machine operators: ball grinder, ball lapper, ball polishers, inspectors, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (miniature precision balls).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at sub-minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firms listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Forest Lake Academy, P. O. Box 157, Maitland, Fla.; effective 10-27-58 to 8-31-59; authorizing the employment of 10 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours each, at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Union Springs Academy, Union Springs, N. Y.; effective 10-27-58 to 8-31-59; authorizing the employment of 30 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder and related skilled and semi-skilled occupations, for a learning period of 360 hours each, at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

The student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 6th day of November 1958.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[P. R. Doc. 58-9433; Filed, Nov. 13, 1958; 8:47 a. m.]

LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blackwelder Manufacturing Co., Yadkinville Highway, Mocksville, N. C.; effective 10-25-58 to 10-24-59 (ladies' pajamas).

Blue Bell, Inc., Arab, Ala.; effective 10-17-58 to 10-16-59 (boys' and men's cotton denim dungarees).

Blue Bell, Inc., Oneonta, Ala.; effective 10-17-58 to 10-16-59 (boys' and men's denim work clothes; men's denim and twill coveralls).

The Euro Shirt Co., Inc., 1010 South Preston Street, Louisville, Ky.; effective 10-19-58 to 10-18-59 (men's dress shirts and sport shirts).

Frackville Pajamas, Inc., Lebanon, Pa.; effective 10-31-58 to 10-30-59 (men's and boys' pajamas).

Gordon & Ferguson, Inc., 230 East Fifth Street, St. Paul, Minn.; effective 10-10-58 to 10-9-59 (men's, women's and boys' sportswear, made of fabrics, leather, sheepskin, etc.).

Oshkosh B'Gosh, Inc., 112 Otter Avenue, Oshkosh, Wis.; effective 10-9-58 to 10-8-59 (men's and women's work clothing, children's playwear).

Press Dress & Uniform Co., Hummelstown, Pa.; effective 10-19-58 to 10-18-59 (nurses', maids' and waitresses' uniforms; cotton dresses).

Fred Ronald Manufacturing Co., 3339 Main Street, Parsons, Kans.; effective 10-13-58 to 10-12-59 (boys' pants).

Seminole Manufacturing Co., Aberdeen, Miss.; effective 10-21-58 to 10-20-59 (men's and boys' single pants).

Valley View Manufacturing Co., Valley View, Pa.; effective 10-8-58 to 10-7-59 (dresses and housecoats).

Wilgreen Manufacturing Co., Inc., North Harney Street, Camilla, Ga.; effective 10-10-58 to 10-9-59 (men's sport and dress shirts).

The following certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Frackville Pajamas, Inc., Schaefferstown, Pa.; effective 10-31-58 to 10-30-59; 5 learners (men's and boys' pajamas).

Medaryville Garment Factory, Medaryville, Ind.; effective 10-13-58 to 10-12-59; 5 learners (children's play clothes: denims, twills and corduroys; dungarees, trousers).

The following certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Jamestown Shirt Corp., Jamestown, Tenn.; effective 10-9-58 to 4-8-59; 100 learners (men's and boys' sport shirts).

Fred Ronald Manufacturing Co., 3339 Main Street, Parsons, Kans.; effective 10-13-58 to 4-12-59; 20 learners (boys' pants).

Tennessee Overall Co., Inc., 401 North Atlantic Street, Tullahoma, Tenn.; effective 9-18-58 to 3-17-59; 20 learners (men's pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Morris Manufacturing Co., Newbern, Tenn.; effective 10-10-58 to 10-9-59; 10 learners for normal labor turnover purposes (work gloves).

Premiere Gloves, Inc., Franklin Street, Fultonville, N. Y.; effective 10-8-58 to 10-7-59; 6 learners for normal labor turnover purposes (ladies' fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

The following learner certificates were issued authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bear Brand Hosiery Co., Fayetteville, Ark.; effective 10-31-58 to 10-30-59 (seamless).

Bear Brand Hosiery Co., Gary, Ind.; effective 10-31-58 to 10-30-59 (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 10-31-58 to 10-30-59 (seamless).

Carol May Finishing Co., Inc., West Depot Street, Concord, N. C.; effective 10-31-58 to 10-30-59 (full-fashioned and seamless).

Full-Knit Hosiery Mills, Inc., Burlington, N. C.; effective 10-14-58 to 10-13-59 (seamless).

Knit Sox Knitting Mills, Inc., 8th Street SE, Hickory, N. C.; effective 10-10-58 to 10-9-59 (seamless).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bear Brand Hosiery Co., Slosson Springs, Ark.; effective 10-31-58 to 10-30-59; 5 learners (seamless).

Bear Brand Hosiery Co., Kearney, Nebr.; effective 10-31-58 to 10-30-59; 5 learners (full-fashioned).

G & P Hosiery Co., 420 Haywood Road, Asheville, N. C.; effective 10-13-58 to 10-12-59; 5 learners (seamless).

Wm. G. Ledniger Knitting Co., Denver, Pa.; effective 10-23-58 to 10-22-59; 4 learners (seamless).

Swink Hosiery Mill, Inc., New River, N. C.; effective 10-8-58 to 10-7-59; 5 learners (seamless).

C. A. Wanner, Inc., 100 South Richmond Street, Fleetwood, Pa.; effective 10-7-58 to 10-6-59; 5 learners (seamless).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carol May Finishing Co., Inc., West Depot Street, Concord, N. C.; effective 10-8-58 to 4-7-59; 20 learners (full-fashioned and seamless).

Diamond Mills Corp., High Point, N. C.; effective 10-8-58 to 4-7-59; 30 learners (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; effective 10-21-58 to 10-20-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Hazlehurst Manufacturing Co., Vidalia Division, Vidalia, Ga.; effective 10-8-58 to 10-7-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (bras, garter belts, girdles; slips and gowns).

Hazlehurst Manufacturing Co., Vidalia Div., Vidalia, Ga.; effective 10-8-58 to 4-7-59; 10 learners for plant expansion purposes (bras, garter belts, girdles; slips and gowns).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Cumberland Shoe Corp., North Margin Street, Franklin, Tenn.; effective 10-13-58 to 10-12-59; 10 learners for normal labor turnover purposes (men's Goodyear welt dress shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Tie-Rite Neckwear Co., 307 East Salisbury Street, Asheville, N. C.; effective 10-10-58 to 4-9-59; five learners for normal labor turnover purposes in the occupations of, sewing machine operator, presser, and hand sewer, each for a learning period of 320 hours at the rates of at least 90 cents an hour for the first 160 hours and not less than 95 cents an hour for the remaining 160 hours (men's and boys' ties, and clip-on bow ties).

The following certificates were issued in Puerto Rico to the companies herein-after named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated.

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 9-14-58 to 1-27-59; 50 learners for normal labor turnover purposes in the occupations of: (1) knitting, looping, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitching for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (replacement certificate) (sweaters).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 9-14-58 to 12-31-58; 10 learners for plant expansion purposes in the occupation of hand fashion knitting machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (replacement certificate) (sweaters).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 9-14-58 to 12-31-58; 210 learners for plant expansion purposes in the occupations of: (1) sweater looping and knitting, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) seaming, for a learning period of 320 hours at the rates of

72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (replacement certificate) (sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 16th day of October 1958.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 58-9434; Filed, Nov. 13, 1958;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 47]

MOTOR CARRIER TRANSFER PROCEEDINGS NOVEMBER 10, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61308. By order of November 6, 1958, the Transfer Board approved the transfer to James R. Waller,

doing business as Wallet Truck Company, Richmond, Missouri, of a certificate in No. MC 59444 Sub 1 issued June 16, 1958, to John William Nolker, doing business as Nolker Truck Line, Richmond, Missouri, authorizing the transportation of farm machinery and parts thereof, automobile and truck parts, lumber, and building materials, over regular routes, between Kansas City, Kans., and Carrollton, Mo., serving no intermediate points, and general commodities, excluding household goods and other specified commodities, over irregular routes, between Lexington, Mo., and points within a radius of 10 miles thereof, on the one hand, and, on the other, Kansas City, Kans. A. V. McCalley, Post Office Box 225, Richmond, Missouri.

No. MC-FC 61629. By order of November 6, 1958, the Transfer Board approved the transfer to Harold Gold, doing business as Gold Service, White Plains, N. Y., of certificate No. MC 103912 issued January 1, 1944, to Samuel Trollinger, Tuckahoe, N. Y., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between Tuckahoe, N. Y., and points within ten miles of Tuckahoe, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. David Brodsky, 1776 Broadway, New York 19, N. Y., for applicants.

No. MC-FC 61640. By order of November 6, 1958, the Transfer Board approved the transfer to Lial Gresham, doing business as Adco Moving & Storage Company, Evansville, Ind., of Certificate No. MC 52543, issued May 2, 1955, to Burks-Pelz Transfer, Inc., Evansville, Ind., authorizing the transportation over irregular routes, of household goods, between Evansville, Ind., and points in Indiana, Illinois, and Kentucky within 30 miles of Evansville, and those in Crawford County, Ill., on the one hand, and, on the other, points in Michigan, Ohio, Indiana, Kentucky, Illinois, Missouri, and Iowa. Lial Gresham, dba Adco Moving & Storage Company, 1901 West Maryland Street, Evansville, Ind., for applicants.

No. MC-FC 61655. By order of November 6, 1958, the Transfer Board approved the transfer to Standard For-

warding Co., Inc., Moline, Illinois, of Permits Nos. MC 16356 and MC 16356 Sub 2, issued July 31, 1943, and May 18, 1950, respectively, to Gene Newman, doing business as Standard Forwarding Company, Moline, Illinois, authorizing the transportation over irregular routes, of tractors, internal combustion engines, pumping jacks, non-self-propelling vehicles, and parts for the foregoing commodities, between Bettendorf and Davenport, Iowa, and Moline, East Moline, and Rock Island, Ill., on the one hand, and, on the other, points in Illinois and Iowa, and between Waterloo and Ottumwa, Iowa, on the one hand, and, on the other, points in Illinois; such commodities as are dealt in by manufacturers, wholesalers, and distributors of agricultural implements and farm machinery, including parts and materials and supplies used in the manufacture, sale, or distribution of agricultural implements and farm machinery, between Bettendorf and Davenport, Iowa, and Moline, East Moline, and Rock Island, Ill., on the one hand, and, on the other, points in Illinois and Iowa, and between Waterloo and Ottumwa, Iowa, on the one hand, and, on the other, points in Illinois; agricultural implements and farm machinery and materials and supplies used in the manufacture, sale, or distribution of agricultural implements and farm machinery, between Ankeny, Dubuque, Rutledge, and points in Peru Township, Dubuque County, Iowa, on the one hand, and, on the other, points in Illinois except Chicago and Rockford, Ill.; agricultural implements and farm machinery show displays, between Moline, East Moline and Rock Island, Ill., and Ankeny, Dubuque, Ottumwa, Rutledge, and Waterloo, Iowa, and points in Peru Township, Dubuque County, Iowa, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, and Nebraska; and experimental agricultural implements, experimental farm machinery, and attachments therefor, between points in Coal Valley Township, Ill., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, and Nebraska.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-9437; Filed, Nov. 13, 1958;
8:48 a. m.]





